

FRIDAY, MAY 30, 1997

FIFTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Walley.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Arriola; business reasons

Representative Huskey; personal reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 128: Rep(s). Boner, Garrett, McDonald, Robinson, Odom and West as prime sponsor(s).

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House Joint Resolution No. 411: Rep(s). Garrett and Stamps as prime sponsor(s).

House Joint Resolution No. 422: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 410: Rep(s). Ritchie, Boyer and Tindell as prime sponsor(s).

House Bill No. 989: Rep(s). Chumney, Kernell and Turner (Shelby) as prime sponsor(s).

House Bill No. 1042: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 1130: Rep(s). L. DeBerry as prime sponsor(s).

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 236, 329, 332, 350, 351, 352 and 353; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 236 --** Highway Signs - "Kelley Creek Bridge," S.R. 99, Rutherford County. by *Womack.

***Senate Joint Resolution No. 329 --** General Assembly, Statement of Intent or Position - Urges state to develop parcel level geographic information system; urges department of finance and administration in consultation with comptroller to set standards. by *Rochelle.

Senate Joint Resolution No. 332 -- Memorials, Public Service - Peaches Simpkins. by *Koella, *Henry, *Atchley, *Cohen, *Burks, *Carter, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 350 -- Memorials, Professional Achievement - Doug Goddard. by *Rochelle, *Haynes, *Henry, *Womack, *Kyle, *Cohen.

Senate Joint Resolution No. 351 -- Memorials, Personal Occasion - Brandon Bradshaw Cate and Laura Leigh Partin, upcoming wedding. by *Person, *Gilbert, *Leatherwood.

Senate Joint Resolution No. 352 -- Memorials, Recognition and Thanks - Gallatin D.A.R.E. Program. by *Graves.

Senate Joint Resolution No. 353 -- Memorials, Interns - Sam McPeak. by *Ramsey, *Crowe.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 74, 408, 501, 502, 503, 595 and 615; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 74 -- Humphreys County - Subject to local approval, authorizes county commission to authorize county road department to use county vehicles, equipment and supplies to perform work for projects for certain not-for-profit corporations if county reimbursed. by *Springer.

***Senate Bill No. 408** -- Minority Affairs - Creates commission for African- American justice and equality. Amends TCA Title 4, Chapter 11. by *Dixon, *Harper.

***Senate Bill No. 501** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates honoring Tennessee Councils of Boy Scouts of America. Amends TCA Title 55, Chapter 4. by *Atchley, *McNally, *Gilbert, *Crowe, *Person, *Herron.

***Senate Bill No. 502** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates commemorating 50th anniversary of Knoxville Zoo. Amends TCA Title 55, Chapter 4. by *Atchley, *McNally, *Gilbert.

***Senate Bill No. 503** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for supporters of AIDS Response Knoxville (ARK) Amends TCA Title 55, Chapter 4. by *Atchley, *Gilbert.

***Senate Bill No. 595** -- Licenses - Authorizes Shelby County and Memphis to suspend or revoke beer permits or impose civil penalties through civil division of general sessions court for county and municipal court for municipal permits. Amends TCA Title 57, Chapter 5. by *Kyle.

***Senate Bill No. 615** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates designed by Tennessee Wars Commission for American Civil War historical preservation Amends TCA Title 55, Chapter 4. by *Carter.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 175, 242, 244, 259, 355, 356, 357, 358 and 359; All adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 175** -- General Assembly, Studies - Creates special joint committee to study consumer access to information relative to health care professionals and entities. by *Dixon, *Harper.

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***Senate Joint Resolution No. 242** -- General Assembly, Studies - Creates special joint committee to study fire and building inspector certification. by *Davis L.

***Senate Joint Resolution No. 244** -- General Assembly, Studies - Creates special joint committee to study use of eminent domain. by *Crutchfield.

***Senate Joint Resolution No. 259** -- General Assembly, Statement of Intent or Position - Expresses support for National Spallation Neutron Source to be constructed at ORNL and construction of Joint Institute for Neutron Science to be constructed by ORNL and University of Tennessee. by *McNally.

Senate Joint Resolution No. 355 -- Memorials, Professional Achievement - Gary Gentry. by *Haynes.

Senate Joint Resolution No. 356 -- Memorials, Interns - Bridgett Roberts. by *Crutchfield.

Senate Joint Resolution No. 357 -- Memorials, Retirement - Harry Lohrke. by *Haynes.

Senate Joint Resolution No. 358 -- Memorials, Interns - David Schwarz. by *Cohen.

Senate Joint Resolution No. 359 -- Memorials, Interns - Ashley Compton. by *Cohen, *Haun, *Cooper.

**MESSAGE FROM THE SENATE
May 30, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1508, 1587 and 1842; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1508** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plate honoring Tennessee's labor force Amends TCA Title 55, Chapter 4. by *Crutchfield.

***Senate Bill No. 1587** -- Consumer Protection - Requires commissioner of commerce and insurance rather than division of consumer affairs to request attorney general to bring consumer protection actions; requires commissioner to confer with department counsel and staff of appropriate regulatory boards before requesting such assistance. Amends TCA Title 47 and Title 56. by *Henry.

Senate Bill No. 1842 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Child and Family Preservation; after sale of 1,000 plates, funds from sale allocated to Child and Family Services of Knox County, Inc. to fund mental health and social service programs for children and families Amends TCA Title 55, Chapter 4. by *Atchley.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 25, 29, 152, 194, 199, 217, 242, 248, 281, 309, 406 and 407; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 595, 631, 654, 685, 872, 990, 1047, 1305, 1443, 1516, 1806 and 1986; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 48; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 14, 94, 281, 626, 627, 921, 981, 1817, 1907, 1936, 1995 and 2004; also, Senate Joint Resolution(s) No(s). 22, 61, 85, 277, 278, 279, 293, 294, 295, 296, 297, 298, 299, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 323, 324, 325, 326 and 328 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 150, 298, 1008, 1028, 1344, 1424, 1674, 1756, 1839, 1998 and 2003; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 61; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 30, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 49, 130, 147, 169, 192, 196, 213, 244, 279, 287, 329, 330, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 404 and 405.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 30, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 49, 130, 147, 169, 192, 196, 213, 244, 279, 287, 329, 330, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 404 and 405.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1408; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1264; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1055; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 983; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 928; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 740; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 184; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1587** -- Consumer Protection - Requires commissioner of commerce and insurance rather than division of consumer affairs to request attorney general to bring consumer protection actions; requires commissioner to confer with department counsel and staff of appropriate regulatory boards before requesting such assistance. Amends TCA Title 47 and Title 56. by *Henry. (HB1785)

Senate Bill No. 74 -- Humphreys County - Subject to local approval, authorizes county commission to authorize county road department to use county vehicles, equipment and supplies to perform work for projects for certain not-for-profit corporations if county reimbursed. by *Springer.

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***Senate Bill No. 408** -- Minority Affairs - Creates commission for African- American justice and equality. Amends TCA Title 4, Chapter 11. by *Dixon, *Harper. (HB722)

***Senate Bill No. 501** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates honoring Tennessee Councils of Boy Scouts of America. Amends TCA Title 55, Chapter 4. by *Atchley, *McNally, *Gilbert, *Crowe, *Person, *Herron. (HB888)

***Senate Bill No. 502** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates commemorating 50th anniversary of Knoxville Zoo. Amends TCA Title 55, Chapter 4. by *Atchley, *McNally, *Gilbert. (HB887)

***Senate Bill No. 503** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for supporters of AIDS Response Knoxville (ARK) Amends TCA Title 55, Chapter 4. by *Atchley, *Gilbert. (HB1166)

***Senate Bill No. 595** -- Licenses - Authorizes Shelby County and Memphis to suspend or revoke beer permits or impose civil penalties through civil division of general sessions court for county and municipal court for municipal permits. Amends TCA Title 57, Chapter 5. by *Kyle. (HB1153)

***Senate Bill No. 615** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates designed by Tennessee Wars Commission for American Civil War historical preservation Amends TCA Title 55, Chapter 4. by *Carter. (HB1217)

***Senate Bill No. 1508** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plate honoring Tennessee's labor force Amends TCA Title 55, Chapter 4. by *Crutchfield. (HB1567)

Senate Bill No. 1842 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Child and Family Preservation; after sale of 1,000 plates, funds from sale allocated to Child and Family Services of Knox County, Inc. to fund mental health and social service programs for children and families Amends TCA Title 55, Chapter 4. by *Atchley. (*HB1681)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2036 -- Jellico -- Local Bill Held on House Desk

CONSENT CALENDAR

House Joint Resolution No. 408 -- Memorials, Interns - Mary Williams. by *Brooks, *Garrett, *Kernell.

House Joint Resolution No. 409 -- Memorials, Academic Achievement - Doug Sparks, Spelling Bee champion. by *Stulce.

House Joint Resolution No. 410 -- Memorials, Sports - Pat Asquith, softball player. by *Dunn, *Burchett.

Senate Joint Resolution No. 336 -- Naming and Designating - Tipton County Bar-B-Que Festival, official barbeque festival of Tennessee. by *Leatherwood.

Senate Joint Resolution No. 354 -- Memorials, Personal Occasion - John C. Lyell, II, 50th birthday. by *Person.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 354, be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1785 -- Consumer Protection - Requires commissioner of commerce and insurance rather than division of consumer affairs to request attorney general to bring consumer protection actions; requires commissioner to confer with department counsel and staff of appropriate regulatory boards before requesting such assistance. Amends TCA Title 47 and Title 56. by *West, *Odom, *Jones, S.. (*SB1587 by *Henry)

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Further consideration of House Bill No. 1785, previously considered on May 28, 1997, and May 29, 1997, and reset to today's Calendar.

On motion, House Bill No. 1785 was made to conform with **Senate Bill No. 1587**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1587 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. West moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. West moved that **Senate Bill No. 1587** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1038 -- Civil Procedure - Redefines "person" to include governmental entity for purposes of joining such persons as third party defendants. Amends TCA Section 20-1-119. by *Ritchie. (*SB1412 by *Gilbert)

Further consideration of House Bill No. 1038, previously considered on May 28, 1997, and May 29, 1997, and reset to today's Calendar.

Rep. Ritchie moved that House Bill No. 1038 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1038 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 20-1-119, is amended by deleting from the first sentence of subsection (a) the language "In civil actions" and substituting instead the language "In civil actions, including but not limited to actions commenced in the claims commission pursuant to Tennessee Code Annotated, Section 9-8-301 et. seq."

SECTION 3. Tennessee Code Annotated, Section 20-1-119, is further amended by deleting from subsection (a)(1) the language "Rule 15 of the Tennessee Rules of Civil Procedure" and substituting instead the language "Rule 15 of the Tennessee Rules of Civil Procedure or other applicable rule or regulation".

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1038 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The junior senator from Knox County is a fidgety, nervous, nut gathering squirrel.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Ritchie moved that **House Bill No. 1038**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman, Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp,

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Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1123 -- University of Tennessee - Authorizes board of trustees to create private nonprofit corporation to operate University of Tennessee Memorial Research Center and Hospital. Amends TCA Title 49, Chapter 9. by *Ritchie, *Armstrong, *Bittle, *Boyer, *Burchett. (*SB1618 by *Atchley)

Further consideration of House Bill No. 1123, previously considered on May 29, 1997, and reset to today's Calendar.

Rep. Ritchie requested that House Bill No. 1123 be moved to the heel of the Message Calendar.

***Senate Bill No. 1616** -- Bond Issues - Revises 1996 general bond bill to provide that grants of bond funds may be made to governmental entities and not-for-profits in Shelby County, Memphis, Knoxville, Chattanooga and Johnson City. Amends Chapter 952 of the Public Acts of 1996. by *Atchley, *McNally, *Henry, *Crutchfield, *Cohen, *Person, *Crowe, *Carter, *Dixon, *Leatherwood, *Wilder. (HB1220 by *McDaniel, *Kisber, *Bittle, *Boyer)

Further consideration of Senate Bill No. 1616, previously considered on May 28, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 1, and May 29, 1997, and reset to today's Calendar.

Rep. Head moved that Senate Bill No(s). 1616 be reset after the Conference Committee Report on the Budget, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study development and implementation of model grading policy. by *Springer.

Rep. Jackson moved that the House refuse to recede from its action in adopting House Amendment No. 1.

Rep. Jackson requested that Senate Joint Resolution No. 199 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENT

***House Bill No. 356** -- Aged Persons - Changes threshold for number of meals served at meal sites in remote locations where elderly cannot attend congregate site on consistent basis to average of 20 congregate and home delivered meals day instead of average of 20 congregate meals a day. Amends TCA Title 71, Chapter 2. by *White, *Tidwell, *Naifeh, *Walley. (SB332 by *Springer)

Senate Amendment No. 1

AMEND House Bill No. 356 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. Notwithstanding any other provision of law, rule, regulation or policy to the contrary, the standards and procedures developed by the commission on aging relative to the nutrition program for older persons operated in accordance with the Older Americans Act shall not establish a threshold of an average of twenty (20) congregate meals per day for every site but shall first consider the remote location of a meal site. For such sites, if a determination is made by the commission that the majority of the older persons in the area served by the site are physically unable to attend a congregate meal site on a consistent basis and the health and well-being of such persons would be better maintained by receiving home delivered meals, the commission shall apply a threshold of an average of twenty (20) congregate and home-delivered meals a day for such sites.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. White moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 356**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant,

Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 550 -- Insurance, Health, Accident - Creates Class A misdemeanor offense, punishable by \$2,500 fine only for each violation, for insurance agent to quote rate for group health insurance if agent, either directly or indirectly, assists person in obtaining TennCare and person would otherwise have been eligible to participate in group plan. Amends TCA Title 56. by *Wood. (*SB622 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 550 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 6, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) If an insurance agent, either directly or indirectly, knowingly suggests, encourages, promotes or assists any person in submitting an application for health care benefits through the TennCare program at a time when such person is covered by a group policy or when such policy is being renewed, then it is unlawful for such agent, thereafter to quote a rate for a group health insurance policy if such person would otherwise have been eligible to participate or continue participation in such group policy.

(b) Each act in violation of this act is a separate violation.

(c) The commissioner may suspend, revoke, or refuse to issue or renew any license for an agent violating this act, and in addition to or in lieu of any denial, suspension or revocation of such license, the commissioner may assess a civil penalty against such agent in an amount not to exceed two thousand five hundred dollars (\$2,500) for each violation.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 550 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 6, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) If an insurance agent knowingly directs any person to submit an application for health care benefits through the TennCare program at a time when such person is covered by a group policy or when such policy is being renewed, then it is unlawful for such agent, thereafter to quote a rate for a group health insurance policy if such agent knows such person would otherwise have been eligible to participate or continue participation in such group policy.

(b) Each act in violation of this act is a separate violation.

(c) The commissioner may suspend, revoke, or refuse to issue or renew any license for an agent violating this act, and in addition to or in lieu of any denial, suspension or revocation of such license, the commissioner may assess a civil penalty against such agent in an amount not to exceed two thousand five hundred dollars (\$2,500) for each violation.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

Rep. Wood moved that the House concur in Senate Amendment(s) No(s). 1 and 3 to **House Bill No. 550**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 756 -- Sexual Offenses - Prohibits records of sexual offender who has completed pretrial diversion program from being expunged; prohibits information on sexual offender from being removed from Sex Offender Registry if offender's records are expunged following diversion program. Amends TCA Title 40, Chapter 32, Part 1; Title 40, Chapter 35, Part 3 and Title 40, Chapter 39. by *Jackson, *Pleasant, *Haley, *Hargett. (*SB1367 by *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 756 by deleting SECTION 3 of the printed bill and by renumbering subsequent Sections accordingly.

FURTHER AMEND by deleting SECTION 5 of the printed bill in its entirety and substituting instead the following:

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all persons committing applicable sexual offenses on or after such date.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 756**, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 799 -- Sexual Offenses - Requires person who is accessory before or after fact to or who facilitates commission of named sexual offense to register under Sexual Offender Registration and Monitoring Act. Amends TCA Title 40, Chapter 39, Part 1. by *Jackson, *Stamps, *Godsey, *Goins, *Mumpower, *Kent, *Cole (Carter), *Cooper B, *Boner, *Hassell, *Scroggs, *Hargett, *Haley, *Pleasant, *Beavers, *Brooks, *Ford S, *Patton, *McDaniel. (*SB1465 by *Rochelle, *Williams)

Senate Amendment No. 1

AMEND House Bill No. 799 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-39-102, is amended by adding the following new, appropriately numbered subpart to subsection (3)(A):

() Criminal responsibility under § 39-11-402(2) for facilitating the commission under § 39-11-403 of, or being an accessory after the fact under, 39-11-411 to any of the offenses enumerated in this subdivision; or

SECTION 2. Tennessee Code Annotated, Section 40-39-102, is further amended by adding the following new, appropriately numbered subpart to subsection (3)(B):

() Accessory before or after the fact or aider and abettor under Tennessee Code Annotated, Title 39, Chapter 1, Part 3 [repealed], to any of the offenses enumerated in subdivision (3)(B); and

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 799**, which motion prevailed by the following vote:

Ayes 95
Noes 1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 861 -- Economic and Community Development, Dept. of - Establishes Tennessee corporation for science and technology development. Amends TCA Title 4. by *Kisber, *Caldwell, *Lewis, *Ferguson, *Bittle, *McDaniel, *Kent, *Cole (Carter), *Turner (Hamilton). (*SB628 by *Henry, *Crowe, *McNally, *Gilbert, *Atchley, *Miller J)

Senate Amendment No. 1

AMEND House Bill No. 861 by adding the following as a new subsection to Section 4 of the printed bill:

() The board of directors shall not meet more than eight (8) times in a calendar year. The executive committee shall not meet more than four (4) times in a calendar year.

Senate Amendment No. 2

AMEND House Bill No. 861 by adding the following language to the end of subsection (c) of Section 4 of the printed bill:

One (1) of representatives of the public sector appointed by the governor shall be a person selected from a list of three (3) citizens furnished by the Tennessee Municipal League or from a list of three (3) citizens furnished by the Tennessee County Services Association.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 861**, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 989 -- Election Laws - Prohibits political parties from nominating candidates for state trial court judges; requires all such elections be nonpartisan. Amends TCA Title 2. by *Bowers. (*SB1600 by *Ford J, *Cohen)

Senate Amendment No. 5

AMEND House Bill No. 989 by adding the following as appropriately designated new sections and by redesignating the subsequent sections appropriately:

Section _____. The provisions of this act shall only apply in any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body; and shall also apply in any other county upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of each county.

Section _____. In judicial districts that are comprised of more than one (1) county, the provisions of this act shall only apply if separately adopted by a majority of the legislative bodies which comprise such judicial district.

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 5 to House Bill No. 989.

Rep. Bowers requested that House Bill No. 989 be moved to the heel of the Calendar.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1104 -- Minors, 12-18 - Changes from January 15 to January 31, reporting date on model teen learning centers. Amends TCA Titles 49, 56, 68, and 71. by *DeBerry L, *Turner (Shelby). (*SB1553 by *Ford J)

Senate Amendment No. 3

AMEND House Bill No. 1104 by adding the following as a new section to precede the effective date section:

Section _____. 71-5-105(b) is deleted in its entirety and replaced with a new 71-5-105(b) which shall read as follows:

(b) The total number of beds in private for-profit and private not-for-profit ICF/MR facilities shall not exceed a total maximum number of six hundred sixty-eight (668). In compliance with the certificate of need process, private for-profit and private not-for-profit

ICF/MR beds may be transferred from one location to another but the total number of such beds shall not exceed six hundred sixty-eight (668).

Senate Amendment No. 4

AMEND House Bill No. 1104 by adding the following section:

Section _____. Tennessee Code Annotated, Section 68-1-904, is amended by adding the following subsection:

(c) The department of health shall provide training for unlicensed individuals who administer medications to individuals incapable of self-administration. The training shall be provided only to unlicensed individuals who are employed by agencies licensed under title 33 or agencies under contract to provide residential or adult day programs for persons with mental retardation. Such unlicensed personnel shall not administer intravenous, intramuscular, and certain subcutaneous injectable medications as defined by rule. The department of health, in consultation with the board of nursing, shall promulgate rules, including public necessity rules, to provide for competency-based training, education, and appropriate monitoring of the unlicensed personnel covered by this subsection who shall have the authority to perform the services provided for in this subsection, notwithstanding the provisions of any other statute or rule.

Rep. L. DeBerry moved that the House concur in Senate Amendment(s) No(s). 3 and 4 to **House Bill No. 1104**, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1234 -- Boards and Commissions - Increases from \$50.00 to \$75.00 per diem for nonpublic official TACIR members. Amends TCA Title 4, Chapter 10. by *Kisber. (*SB824 by *Rochelle)

Senate Amendment No. 3

AMEND House Bill No. 1234 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. In implementing the provisions of this act, the state shall aggressively seek racial and gender diversity by enlisting ethnic minority and female participation on all levels. No person shall be excluded from participation in, or be denied the benefits of any program or activity receiving funding as a result of implementation of this act on grounds of race, color or gender.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1234**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1401 -- Pensions and Retirement Benefits - Allows retirement allowance increase if consumer price index rises at least 0.5 percent instead of present 1 percent. Amends TCA Section 8-36-701. by *Kisber, *Head, *Davidson, *Davis R, *Cross, *Naifeh, *Stulce, *Maddox, *Huskey, *Kent, *McKee, *Cole (Carter), *Rhinehart, *Wood, *Rinks, *Cole (Dyer), *McDaniel, *Winningham, *Curtiss, *Ferguson, *Arriola, *Lewis, *Walley, *Sargent, *Halteman Harwell, *Bittle, *White, *Fraley, *Ford S, *Fitzhugh. (*SB517 by *Rochelle, *Crutchfield, *Womack, *Haun, *Atchley, *McNally,

*Crowe, *Crowe, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack)

Senate Amendment No. 2

AMEND House Bill No. 1401 by deleting from subsection (b)(3) of the amendatory language in SECTION 2 the word "July" wherever it may appear and by substituting instead the word "January";

AND FURTHER AMEND by deleting from subsection (b)(4) of the amendatory language in SECTION 2 the words and figure "the July 1";

AND FURTHER AMEND by deleting from the amendatory language in SECTION 4 the word "July" and by substituting instead the word "January".

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1401**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1402 -- Lobbying, Lobbyists - Restricts application of lobbyist prohibitions to registered lobbyists; revises other provisions of restrictions. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by *Kisber, *Kernell. (*SB1409 by *Cohen, *Gilbert, *Person)

Senate Amendment No. 1

AMEND House Bill No. 1402 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-6-104(a), is amended by adding the following:

When a person registers, the provisions of Section 3-6-114 shall apply to such lobbyist for the remainder of the registration year.

SECTION 2. Tennessee Code Annotated, Section 3-6-104(b), is amended by deleting the second sentence in its entirety.

SECTION 3. Tennessee Code Annotated, Section 3-6-104(d), is amended by deleting the introductory clause and subdivision (1) and substituting instead the following:

(d) A person need not register with the registry of election finance pursuant to this section and the reporting requirements and prohibitions of this chapter do not apply if the person is:

(1) A person holding a state or local public office who is performing the duties of the office;

Tennessee Code Annotated, Section 3-6-104(d), is further amended by adding the following new subdivision:

(4) A state or local public employee or employee of a state educational institution who is performing the duties of the position;

SECTION 4. Tennessee Code Annotated, Section 3-6-106, is amended by deleting subsection (c) in its entirety.

SECTION 5. Tennessee Code Annotated, Section 3-6-114(b)(9), is amended by inserting between the words "or" and "beverages" wherever they may appear the word "entertainment".

SECTION 6. Tennessee Code Annotated, Section 3-6-114(b)(9), is amended by designating the existing language as subdivision (A) and by adding the following new subdivision:

(B) In calculating the limits established by subdivision (A), sales tax and gratuity are excluded.

SECTION 7. Tennessee Code Annotated, Section 3-6-114(b)(8)(A), is amended by deleting the language "reimbursed, or sponsored by" and substituting instead the language "or reimbursed by".

SECTION 8. Tennessee Code Annotated, Section 3-6-114(b)(8), is amended by adding the following new subdivision:

(B) Entertainment, food, refreshments, meals, foodstuffs or beverages that are provided in connection with a conference if the conference is sponsored by an association of elected state government officials, staff of elected state government officials or both officials and staff or any other group or association which is an umbrella organization for such officials, staff, or both officials and staff.

SECTION 9. Tennessee Code Annotated, Section 3-6-114(b)(6)(A), is amended by inserting between the words "or" and "specified" the language "to all state employees and officials, or to all members of an association of such employees and officials, or to".

SECTION 10. Tennessee Code Annotated, Section 3-6-114(b)(7), is amended by deleting the language "when customarily provided as a courtesy to all candidates for an office or public officials of similar rank in the event's jurisdiction" and substituting instead the language "when customarily provided as a courtesy to all candidates for an office or state or local public officials in the event's jurisdiction".

SECTION 11. Tennessee Code Annotated, Section 3-6-114(b), is amended by adding the following new subdivisions:

(10) Travel expenses for intrastate travel for which no fare is ordinarily charged;

(11) Travel expenses for intrastate travel which would otherwise be reimbursable;

(12) Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the candidate for public office, an official in the legislative branch or an official in the executive branch or immediate family member of such candidate participates in a meaningful way as part of a program or panel presentation to an established or recognized membership organization which has regular meetings or as part of a program that is open to the public.

(13) A gift where a candidate for public office, an official in the legislative branch or an official in the executive branch or immediate family member of such candidate is hosting a group in his or her official capacity and the gift involved is not of substantial value and is customary for such events.

(14) Food, refreshments, meals, foodstuffs, entertainment, or beverages that are provided in connection with a public event or a meeting where the media may attend by law to which written invitations are extended to the governor and/or members of the governor's cabinet.

(15) Health care services.

(16) Customary holiday or special occasion greetings which have no substantial value.

SECTION 12. Tennessee Code Annotated, Section 3-6-114, is amended by deleting subsection (a) and substituting instead the following:

(a)(1) No registered lobbyist or employer of a registered lobbyist may provide a gift, directly or indirectly, to a candidate for public office, official in the legislative branch, official in the executive branch, or immediate family of such candidate or official.

(2) A candidate for public office, an official in the legislative branch, or an official in the executive branch, or immediate family of such candidate or official may not solicit or accept directly or indirectly a gift from a registered lobbyist or an employer of a registered lobbyist.

SECTION 13. Tennessee Code Annotated, Section 3-6-102, is amended by deleting subsection (15) and substituting instead the following:

"Official in the executive branch" means the governor, any member of the governor's staff or cabinet, any member of a state regulatory commission, including but not limited to the Tennessee regulatory authority, or any assistant commissioner or deputy commissioner;

SECTION 14. Tennessee Code Annotated, Section 3-6-102, is amended by deleting subsection (16) and substituting instead the following:

"Official in the legislative branch" means any member or member-elect of the general assembly or any member of a committee or commission established by and responsible to the general assembly or either house thereof who takes legislative action. "Official in the legislative branch" also includes the secretary of state, treasurer, and comptroller of the treasury.

SECTION 15. Tennessee Code Annotated, Section 3-6-104, is amended by adding the following as a new subsection (f):

(f) A person who engages in lobbying without pay or any consideration or who engages in lobbying and receives only reimbursement for actual out of pocket personal expenses shall not be levied the occupational privilege tax on lobbyists imposed by Section 67-4-1702(a)(1).

SECTION 16. Tennessee Code Annotated, Section 3-6-113, is amended by deleting the words "and therefore" and substituting instead the words "or is".

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 1402 by inserting the words ", official or immediate family member" after the words "of such candidate" where they appear in subdivision (12) of Section 11.

Senate Amendment No. 2 to Senate Amendment No. 1

AMEND House Bill No. 1402 by deleting subdivision (15) of Section 11 and substituting in lieu thereof the following new subdivision (15):

(15) Health care services which are offered as a courtesy to all officials or employees of the legislative or executive branch.

Senate Amendment No. 2

AMEND be deleting the effective date section in its entirety and substituting instead the following:

SECTION __. Section 15 of the Senate State and Local Government Committee Amendment No. 1 regarding the exemption from the occupational privilege tax for volunteer lobbyists shall take effect on May 30, 1997, the public welfare requiring it. All other sections shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 1402 by deleting SECTION 12 as amended by Senate State and Local Government Committee Amendment No. 1 in its entirety and by renumbering subsequent sections accordingly.

Senate Amendment No. 4

AMEND House Bill No. 1402 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 2-10-203(h), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Be allowed to hold or qualify for elective office to any state or local public office, as defined in § 2-10-102, other than a county or municipal judicial office.

Rep. Kisber moved that the House non-concur in Senate Amendment(s) No(s). 1, as amended, 2, 3 and 4 to House Bill No. 1402, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1464** -- Taxes, Sales - Increases from 30 to 35 years term for issuance of bonds for construction of sports facility eligible for special tax treatment. Amends TCA Title 7, Chapter 67 and Title 67, Chapter 6. by *Cohen, *Ford J. (HB1510 by *Miller L, *Kent, *Cooper B, *Scroggs, *DeBerry L, *Bowers, *DeBerry J, *Towns, *Hassell)

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1464**

Pursuant to Rule No. 73, Representative Miller moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences of the two bodies on Senate Bill No. 1464, which motion prevailed.

The Speaker appointed Representatives Miller, Kent and Bowers as the House members of the Conference Committee on Senate Bill No. 1464.

REGULAR CALENDAR, CONTINUED

House Bill No. 1123 -- University of Tennessee - Authorizes board of trustees to create private nonprofit corporation to operate University of Tennessee Memorial Research Center and Hospital. Amends TCA Title 49, Chapter 9. by *Ritchie, *Armstrong, *Bittle, *Boyer, *Burchett. (*SB1618 by *Atchley)

Further consideration of House Bill No. 1123, previously considered on today's Calendar.

On motion, House Bill No. 1123 was made to conform with **Senate Bill No. 1618**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 1618 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 2.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 3.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 4.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 5.

Rep. Davidson moved adoption of Education Committee Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 1618 by deleting in its entirety the new subsection (b) added to Section 49-9-1304, as amended, and by substituting instead the following language:

(b) For those employees employed by the University of Tennessee Memorial Research Center and Hospital, it is the legislative intent that the private non-profit hospital created pursuant to this new Part 13 will continue to provide a level of insurance benefits at least equivalent to that which such employees previously were entitled to receive and continue to provide a level of retirement benefits at least equivalent to the Tennessee Consolidated Retirement System.

Rep. Winningham moved to amend as follows:

Amendment No. 1 to Amendment 6

AMEND Senate Bill No. 1618 by adding the following language as a new, appropriately designated subsection to Section 49-9-1301 of the amendatory language of Section 1:

() (1) Prior to entering into any contracts, authorized pursuant to subsection (a)(2), with the corporation created under this section, the board of trustees shall hold at least four (4) public hearings in the area served by the University of Tennessee Memorial Research Center and Hospital to explain the contents and conditions of each contract. The four (4) public hearings must be held at least thirty (30) days prior to entering into any such contracts. Two (2) weeks' notice shall be given prior to each such public hearing. The notice shall be:

(A) Published in one (1) or more newspapers of general circulation in the area served by the hospital;

(B) Posted in the emergency room and the hospital admissions area; and

(C) Posted in one or more public places in the area served by the hospital.

At least one (1) of the public hearings must be held in Knox County.

(2) If the provisions of any of such contracts are materially revised following such public hearings, the revised contract or contracts shall be published in the same newspapers in which the notices of the public hearings were published at least one (1) week prior to being signed by the board.

(3) Any contract entered into in violation of the provisions of this subsection shall be null and void.

On motion, Amendment No. 1 to Amendment No. 6 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 1618 by adding the following language to the new Section 49-9-1304 in the amendatory language of Section 1, as amended, to be designated as subsection (c):

(c) Any person employed by the University of Tennessee Memorial Research Center and Hospital on the effective date of this act shall continue to be eligible for the same tuition reduction authorized to any other employee of the University of Tennessee to the same extent such person was entitled to receive such tuition reduction while employed by the University of Tennessee Memorial Research Center and Hospital as long as such person remains an employee of the private nonprofit hospital created pursuant to this new Part 13.

On motion, Amendment No. 7 was adopted.

Rep. Brooks moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 1618 by inserting the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

On motion, Amendment No. 8 was adopted.

Rep. U. Jones moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND Senate Bill No. 1618 by adding the following new appropriately numbered section to the amendatory language of Section 1 as amended: 49-9-13____. No member of the board of trustees of the University of Tennessee Memorial Research Center and Hospital or such trustees' immediate family shall

derive any financial benefit from the transfer of such hospital to a non-profit corporation as authorized by this part.

On motion, Amendment No. 9 was adopted.

Rep. Kerr moved adoption of Amendment No. 10 as follows:

Amendment No. 10

AMEND Senate Bill No. 1618 by designating the new Section 49-9-1304 as subsection (a) in the amendatory language of Section 1, as amended, and by adding the following language to such new Section 49-9-1304 to be designated as subsection (c):

(c) For those employees employed by the University of Tennessee Memorial Research Center and Hospital, it is the legislative intent that the private nonprofit hospital created pursuant to this new Part 13 shall provide compensation at least equivalent to their current compensation and shall make reasonable allowance for their accumulated benefits (i.e. sick leave, vacation, educational benefits, etc.) such employees were eligible for at the time of such transfer.

On motion, Amendment No. 10 was adopted.

Rep. Caldwell moved adoption of Amendment No. 11 as follows:

Amendment No. 11

AMEND Senate Bill No. 1618 by adding the following language between the third and fourth sentences of subsection (a)(1) of the new Section 49-9-1301 of the amendatory language of Section 1:

The charter of the nonprofit corporation shall include that its purpose is to operate the University of Tennessee Memorial Research Center and Hospital in a manner which will fulfill the hospital's mission statement of dedication to its continuation as the premier center to offer medical care to the underserved population of the thirteen (13) county area served by the hospital.

Rep. Givens moved the previous question on Amendment No. 11, which motion prevailed.

On motion, Amendment No. 11 was adopted.

Rep. Winningham requested that Amendment No. 12 be moved to the heel of the Amendments.

Rep. Ritchie moved adoption of Amendment No. 13 as follows:

Amendment No. 13

AMEND Senate Bill No. 1618 as amended, by adding the following new language in the amendatory language of Section 1 in Section 49-9-1301(b)(2) at the end of such subdivision.

It is the intent of the general assembly that any such subsequent conveyance by such private nonprofit corporation shall provide for the repayment of the sums of three million dollars (\$3,000,000) to the State of Tennessee, two million dollars (\$2,000,000) to Knox County ,and two million dollars (\$2,000,000) to the City of Knoxville.

Rep. Kerr moved the previous question on Amendment No. 13, which motion prevailed.

On motion, Amendment No. 13 was adopted.

Rep. Cross moved that Senate Bill No. 1618 be re-referred to the House Health & Human Resources Committee.

Rep. Ritchie moved that the motion to re-refer Senate Bill No. 1618 to the House Health & Human Resources Committee be tabled.

Rep. Ridgeway moved the previous question on the tabling motion which motion prevailed.

Rep. Ritchie moved that the motion to re-refer Senate Bill No. 1618 to the House Health & Human Resources Committee be tabled, which motion failed by the following vote:

Ayes	41
Noes	47
Present and not voting	1

Representatives voting aye were: Armstrong, Bittle, Bowers, Boyer, Brooks, Burchett, Caldwell, Clabough, Cole (Dyer), Curtiss, Davis, DeBerry L., Dunn, Garrett, Givens, Haley, Hargett, Head, Hood, Jackson, Kerr, Kisber, Lewis, McAfee, McDaniel, McMillan, Mumpower, Patton, Phelan, Rhinehart, Rinks, Ritchie, Robinson, Sharp, Stamps, Stulce, Turner (Hamilton), Walker, West, Williams, Wood -- 41.

Representatives voting no were: Beavers, Bird, Bone, Boner, Brown, Chumney, Cooper, Cross, Davidson, DeBerry J., Eckles, Ferguson, Ford, Fowlkes, Godsey, Gunnels, Halteman-Harwell, Hassell, Hicks, Jones S., Jones U., Kernell, Langster, Maddox, McDonald, McKee, Miller, Newton, Odom, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Roach, Sands, Sargent, Scroggs, Tidwell, Tindell, Towns, Turner (Shelby), Walley, White, Whitson, Windle, Winningham -- 47.

Representatives present and not voting were: Fraley -- 1.

Rep. Cross moved that Senate Bill No. 1618 be re-referred to the House Health & Human Resources Committee, which failed by the following vote:

Ayes	44
Noes	48
Present and not voting	2

Representatives voting aye were: Bird, Bone, Boner, Brown, Buck, Chumney, Cooper, Cross, Davidson, DeBerry J., Ferguson, Ford, Fowlkes, Fraley, Godsey, Gunnels, Hargett, Hassell, Hicks, Jones S., Jones U., Kernell, Maddox, McDonald, McKee, Newton, Odom, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Roach, Sands, Sargent, Scroggs, Tidwell, Tindell, Towns, Turner (Shelby), White, Whitson, Windle, Winningham -- 44.

Representatives voting no were: Armstrong, Beavers, Bittle, Bowers, Boyer, Brooks, Burchett, Caldwell, Clabough, Cole (Dyer), Curtiss, Davis, DeBerry L., Dunn, Eckles, Fitzhugh, Garrett, Givens, Haley, Halteman-Harwell, Head, Hood, Jackson, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McMillan, Miller, Mumpower, Patton, Phelan, Rhinehart, Rinks, Ritchie, Robinson, Sharp, Stamps, Stulce, Turner (Hamilton), Walker, Walley, West, Westmoreland, Williams, Wood -- 48.

Representatives present and not voting were: Cole (Carter), Kent -- 2.

Rep. Ritchie moved that Amendment No. 14 be withdrawn, which motion prevailed.

Rep. Armstrong moved adoption of Amendment No. 15 as follows:

Amendment No. 15

AMEND Senate Bill No. 1618 by deleting § 49-9-1304(b) of SECTION 1 and by substituting instead the following:

(b) With respect to employees previously employed by the University of Tennessee Memorial Research Center and Hospital, the private non-profit hospital created pursuant to this new Part 13 shall provide:

(1) a defined, insurance and leave benefits package which is equivalent to or better than the benefits package previously enjoyed by employees of the University of Tennessee Memorial Research Center and Hospital; and

(2) a deferred compensation program and a defined, fixed-benefits retirement plan which is equivalent to or better than the deferred compensation program and retirement plan available to participants within the Tennessee Consolidated Retirement System.

On motion, Amendment No. 15 was adopted.

Rep. Bowers moved that Senate Bill No. 1618 be re-referred to the House Commerce Committee.

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Rep. Ritchie moved that the motion to re-refer Senate Bill No. 1618 to the House Commerce Committee be tabled, which motion prevailed by the following vote:

Ayes.....	50
Noes	35
Present and not voting.....	6

Representatives voting aye were: Bittle, Bone, Boyer, Brooks, Burchett, Clabough, Cole (Dyer), Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Fitzhugh, Fowlkes, Fraley, Givens, Goins, Halteman-Harwell, Head, Hood, Jackson, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Mumpower, Newton, Patton, Phelan, Pruitt, Rinks, Ritchie, Robinson, Scroggs, Sharp, Stamps, Stulce, Turner (Hamilton), Walker, Walley, West, Westmoreland, Williams, Winningham, Wood -- 50.

Representatives voting no were: Armstrong, Bird, Bowers, Brown, Caldwell, Chumney, Cooper, Cross, DeBerry J., Ferguson, Ford, Godsey, Gunnels, Haley, Hicks, Jones S., Jones U., Kernell, Maddox, McKee, Odom, Phillips, Pleasant, Rhinehart, Ridgeway, Roach, Sands, Sargent, Tidwell, Tindell, Towns, Turner (Shelby), White, Whitson, Windle -- 35.

Representatives present and not voting were: Beavers, Boner, Cole (Carter), Hassell, Kent, Miller -- 6.

Rep. Tindell moved adoption of Amendment No. 16 as follows:

Amendment No. 16

AMEND Senate Bill No. 1618 by adding the following to § 49-9-1304 of SECTION 1, as a new, appropriately designated subsection:

() With respect to employees previously employed by the University of Tennessee Memorial Research Center and Hospital, the private non-profit hospital created pursuant to this new Part 13 shall only impose personnel terminations, layoffs, suspensions or demotions for cause and shall provide affected employees with due process rights and procedures which are equivalent to or better than the due process rights and procedures that such employees previously enjoyed as employees of the University of Tennessee Memorial Research Center and Hospital.

On motion, Amendment No. 16 was adopted.

Rep. Davis moved adoption of Amendment No. 17 as follows:

Amendment No. 17

AMEND Senate Bill No. 1618 by adding the following to § 49-9-1304 of SECTION 1, as a new, appropriately designated subsection:

() Notwithstanding the provisions of this act or any other law to the contrary, upon creation of the private nonprofit corporation authorized pursuant to § 49-9-1301(a) and immediately prior to the transfer to such corporation of assets used in or related to operation of the University of Tennessee Memorial Research Center and Hospital, one-half (1/2) of the cash reserve fund of the center and hospital shall be transferred to the state treasurer for deposit in a separate, interest bearing, special account. All interest earned by such special account shall be paid into such special account and shall be retained within such special account until distributed to the private nonprofit corporation in accordance with the provisions of this subsection. On July 1 each year for ten (10) consecutive years, one-tenth (1/10) of the balance in such account shall be paid to the private nonprofit corporation; provided, however, in any such year such payment shall be made only if the state treasurer, the state comptroller and the secretary of state jointly determine that, during the preceding twelve (12) month period, the private nonprofit corporation substantially complied with the requirements of § 49-9-1304. At the conclusion of the ten (10) year period, the total remaining balance of the special account shall be paid over to the private nonprofit corporation.

Rep. Ritchie moved that Amendment No. 17 be tabled, which motion prevailed by the following vote:

Ayes	59
Noes	14
Present and not voting	4

Representatives voting aye were: Armstrong, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Caldwell, Clabough, Cole (Dyer), Curtiss, Davidson, DeBerry L., Dunn, Eckles, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hood, Jackson, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Patton, Phelan, Pinion, Rhinehart, Rinks, Ritchie, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Turner (Hamilton), Walker, Walley, West, White, Williams, Wood -- 59.

Representatives voting no were: Beavers, Bird, Davis, Hicks, Jones U., Kernell, Phillips, Roach, Tindell, Towns, Turner (Shelby), Whitson, Windle, Winningham -- 14.

Representatives present and not voting were: Bowers, Miller, Odom, Pruitt -- 4.

Rep. Winningham moved adoption of Amendment No. 12 as follows:

Amendment No. 12

AMEND Senate Bill No. 1618 by deleting the effective date section in its entirety and by adding the following language:

SECTION 2. No action shall be taken by the board of trustees to create a private nonprofit corporation until the board of trustees completes

all the following requirements and presents its report to the house and senate education committees:

(1) The board shall develop and publicize the procedure it will follow in establishing the private nonprofit corporation authorized by this act, including the method it will utilize in naming corporate officers and board members as well as establishing the qualifications required to be an officer or member of the board of the corporation;

(2) Develop a list of potential persons to be named as officers and board members; and

(3) Prepare a draft of the charter of the nonprofit corporation.

The information required in this section shall be filed with the house and senate education committees prior to January 15, 1998. The report of the board of trustees shall further be presented to such committees at a joint public hearing to be scheduled by the chairmen of such committees.

SECTION 3. For purposes of developing the information and filing the report required pursuant to Section 2, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect March 1, 1998, the public welfare requiring it.

Rep. Ritchie moved that Amendment No. 12 be tabled, which motion prevailed by the following vote:

Ayes	45
Noes	43
Present and not voting	2

Representatives voting aye were: Armstrong, Bittle, Boyer, Brooks, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davis, Dunn, Eckles, Fitzhugh, Garrett, Givens, Godsey, Goins, Haley, Head, Hood, Jackson, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McMillan, Mumpower, Newton, Patton, Phelan, Rhinehart, Rinks, Ritchie, Robinson, Sharp, Stamps, Stulce, Turner (Hamilton), Walker, Westmoreland, Wood -- 45.

Representatives voting no were: Beavers, Bird, Bone, Boner, Bowers, Brown, Chumney, Cooper, Cross, Davidson, DeBerry J., Ferguson, Ford, Fraley, Gunnels, Hassell, Hicks, Jones S., Jones U., Kernell, Langster, Maddox, McDonald, Miller, Odom, Phillips, Pleasant, Pruitt, Ridgeway, Roach, Sands, Sargent, Scroggs, Tidwell, Tindell, Towns, Turner (Shelby), West, White, Whitson, Williams, Windle, Winningham -- 43.

Representatives present and not voting were: Hargett, Pinion -- 2.

Rep. Givens moved the previous question, which motion prevailed by the following vote:

Ayes.....67
Noes26

Representatives voting aye were: Armstrong, Bittle, Bone, Boyer, Brooks, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Jackson, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Patton, Phelan, Pinion, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Turner (Hamilton), Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Wood -- 67.

Representatives voting no were: Beavers, Bird, Boner, Bowers, Brown, Chumney, Cooper, Cross, DeBerry J., Ferguson, Jones S., Jones U., Kernell, Langster, Maddox, Miller, Odom, Phillips, Pleasant, Ridgeway, Sands, Tindell, Towns, Turner (Shelby), White, Winningham -- 26.

Rep. Ritchie moved that **Senate Bill No. 1618**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....58
Noes36
Present and not voting.....3

Representatives voting aye were: Armstrong, Bittle, Boyer, Brooks, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry L., Dunn, Eckles, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Patton, Phelan, Rhinehart, Rinks, Ritchie, Roach, Robinson, Scroggs, Sharp, Stamps, Stulce, Turner (Hamilton), Walker, Walley, West, Westmoreland, Wood, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Beavers, Bird, Bone, Boner, Bowers, Brown, Chumney, Cooper, Cross, Davidson, Ferguson, Ford, Goins, Gunnels, Hicks, Jones S., Jones U., Kernell, Maddox, Newton, Odom, Phillips, Pinion, Pleasant, Ridgeway, Sands, Sargent, Tidwell, Tindell, Towns, Turner (Shelby), White, Whitson, Williams, Windle, Winningham -- 36.

Representatives present and not voting were: DeBerry J., Langster, Pruitt -- 3.

A motion to reconsider was tabled.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE MESSAGE

***Senate Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study development and implementation of model grading policy. by *Springer.

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

Further consideration of Senate Joint Resolution No. 199, previously considered on today's Message Calendar.

Rep. Jackson moved that the House refuse to recede from its action in non-concurring in Senate Amendment No. 1, which motion prevailed.

Rep. Hargrove moved that Senate Joint Resolution No. 199 be re-referred to the Committee on Calendar & Rules.

Rep. West moved the previous question on the motion to re-refer Senate Joint Resolution No. 199 to the Calendar & Rules Committee, which motion prevailed.

Rep. Hargrove moved that Senate Joint Resolution No. 199 be re-referred to the Committee on Calendar & Rules, which motion prevailed by the following vote:

Ayes.....	50
Noes	32
Present and not voting.....	2

Representatives voting aye were: Armstrong, Beavers, Bone, Brown, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Davis, Eckles, Ferguson, Fraley, Garrett, Givens, Gunnels, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones U., Kent, Kerr, Kisber, Langster, Maddox, McDonald, McKee, Miller, Odom, Phelan, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sargent, Scroggs, Stamps, Tindell, Towns, Turner (Hamilton), West, Westmoreland, Williams, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Bittle, Boner, Bowers, Boyer, Brooks, Buck, Chumney, Curtiss, Davidson, DeBerry L., Dunn, Fowlkes, Godsey, Goins, Halteman-Harwell, Jones S., Kernell, Lewis, McAfee, Newton, Patton, Pinion, Ritchie, Sands, Sharp, Stulce, Turner (Shelby), Walker, Walley, Windle, Winningham, Wood -- 32.

Representatives present and not voting were: McDaniel, Whitson -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 989 -- Election Laws - Prohibits political parties from nominating candidates for state trial court judges; requires all such elections be nonpartisan. Amends TCA Title 2. by *Bowers. (*SB1600 by *Ford J, *Cohen)

Further consideration of House Bill No. 989, previously considered on today's Calendar, at which time the House was on the motion to concur in Senate Amendment No. 5.

Senate Amendment No. 5

AMEND House Bill No. 989 by adding the following as appropriately designated new sections and by redesignating the subsequent sections appropriately:

Section _____. The provisions of this act shall only apply in any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body; and shall also apply in any other county upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of each county.

Section _____. In judicial districts that are comprised of more than one (1) county, the provisions of this act shall only apply if separately adopted by a majority of the legislative bodies which comprise such judicial district.

Rep. Bowers moved that the House non-concur in Senate Amendment(s) No(s). 5 to **House Bill No. 989**, which motion prevailed.

SUPPLEMENTAL MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 184** -- Sunset Laws - Tennessee Ocoee development agency, June 30, 1999. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 9. by *Kernell, *Garrett, *Brooks. (SB85 by *Springer)

Senate Amendment No. 2

AMEND House Bill No. 184 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-219(a), is amended by adding a new item thereto, as follows:

() Tennessee Ocoee development agency, created by Section 64-9-101;

Senate Amendment No. 1

AMEND House Bill No. 184 by adding the following new sections to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 64-9-110 is amended by deleting such section in its entirety.

SECTION _____. Tennessee Code Annotated, Title 64, Chapter 9, is amended by adding the following as a new section thereto:

Section 64-9-1____. The department of environment and conservation shall transfer all operations and control over projects on the Ocoee River plan to the agency. All unexpended revenues received by the department from the agency shall be transferred to the agency for the operation and maintenance of such projects.

SECTION _____. The Tennessee Ocoee development agency is hereby authorized to employ a full-time employee for the sole purpose of winding up the affairs of the agency.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 184 by deleting Amendment No. 1 in its entirety and by adding the following as a new section to precede the effective date section:

Section _____. Tennessee Code Annotated, Title 64, Chapter 9, is amended by adding the following as a new section thereto:

Section 64-9-____. To the extent that funds remain in the state's budget code for the Tennessee Ocoee Development Agency after receipt by the department of all funds due, contractual or otherwise, and payment by the department of all obligations related to the 1996 Olympic Whitewater event, such funds shall be transferred by the department to the agency for the purpose of winding up its affairs. The department shall provide the agency with any administrative assistance necessary to wind up its affairs. After the transfer of funds and to the extent that such funds remaining are sufficient, the Tennessee Ocoee Development Agency is hereby authorized to employ a full-time employee for the sole purpose of winding up its affairs.

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 2 and 1, as amended, to **House Bill No. 184**, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell,

Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 537 -- Civil Service - Establishes right of reassignment for career service employees who become part of executive service Amends TCA Section 8-30-208. by *Hargrove, *DeBerry L, *Naifeh, *Rinks, *Williams, *Kisber, *Pruitt, *Armstrong, *Arriola, *McDonald, *Ridgeway, *Chumney, *Bowers, *Buck, *Brooks, *Jones U (Shel), *Sharp, *Bone, *White, *Sands, *Fitzhugh, *Maddox, *Robinson, *McMillan, *Cross, *Langster, *Turner (Hamilton), *Stulce. (*SB491 by *Crutchfield, *Harper, *Williams)

Senate Amendment No. 6

AMEND House Bill No. 537 by designating subdivision (4) of Section 1(f) as subdivision (A) and by adding the following new subdivision:

(B) A person occupying an executive service position for more than ten (10) years does not have the right of reassignment established by this subsection.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 6 to **House Bill No. 537**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 740** -- Drug and Alcohol Rehabilitation - Revises from one to three years licensing period of alcohol and drug abuse counselors. Amends TCA Title 4, Chapter 29; Title 63 and Title 68, Chapter 24, Part 6. by *West. (SB1542 by *Springer)

Senate Amendment No. 2

AMEND House Bill No. 740 adding the following new subdivision to subsection (b) of Section 2, as amended:

(6) In making appointments to the board, the governor shall ensure that at least two (2) of the members are females.

Senate Amendment No. 3

AMEND House Bill No. 740 by deleting the language of subsection (b)(3) of Section 2, as amended, and by substituting instead the following:

(3) All board members, except the member who is not directly or indirectly engaged in the alcohol and drug abuse counseling profession, shall be duly licensed or eligible to be licensed by the board. Subsequent appointees to the board shall possess the professional qualifications required by their predecessors as required by this act and shall be appointed to five-year terms.

AND FURTHER AMEND by deleting from subsection (f) of Section 2, as amended, the language "board of health-related boards as defined in § 68-1-101" and by substituting instead the language "division of health related boards as defined in § 63-1-101".

AND FURTHER AMEND by deleting the second sentence in Section 3, as amended, and by substituting instead the following:

The board shall promulgate rules to effectuate the purposes of this act to include, but not be limited to:

- (1) Application and licensure fees;
- (2) Examination and licensure procedures;
- (3) Standards of practice and qualifications for licensure;
- (4) Disciplinary procedures; and
- (5) Supervision of applicants.

AND FURTHER AMEND by deleting subsection (a) of Section 4, as amended, and by substituting instead the following:

(a) A license shall be renewable biennially on the birth date of the licensee.

AND FURTHER AMEND by deleting Section 5, as amended, in its entirety and by substituting instead the following:

SECTION 5. Nothing in this act shall be construed as permitting any person licensed as an alcohol or drug abuse counselor to engage in the practice of medicine, or to engage in the practice of a licensed psychologist, licensed psychological examiner, certified master social worker, licensed independent practitioner of social work, licensed professional counselor, licensed marriage and family therapist, or psychiatric nurse. Persons licensed as alcohol and drug abuse counselors shall not be authorized by the provisions of this act to dispense or prescribe drugs. Nothing in this act shall be construed to constrict or limit the practice of medicine, the certification and licensing of social workers, the licensing of nurses, the licensing of psychologists, or the licensing of professional counselors and marriage and family therapists. In addition, nothing in this act shall be construed to prevent qualified members of such professions from advertising that such persons diagnose and treat alcohol and drug disorders within the scope of their respective professions or from actually diagnosing and treating alcohol and drug disorders within the scope of their respective professions.

AND FURTHER AMEND by deleting in Section 1, as amended, the language "Sections 2 through 5" and by substituting instead the language "Sections 2 through 7".

AND FURTHER AMEND by adding the following as new Section 6 and 7 and by renumbering the existing Section 6 and subsequent section accordingly:

SECTION 6. (a) Alcohol and other drugs of abuse counseling includes the following:

(1) The evaluation and treatment of problems and misconceptions of persons who abuse mood-altering chemicals within the context of individual, group, familial and significant other systems; and

(2) The evaluation and treatment of those persons who have had their lives significantly impacted by another person's use of alcohol or other drugs of abuse. Alcohol and other drugs of abuse counseling includes the provision of the primary functions which may be performed by licensed alcohol and drug abuse counselors.

(b) Nothing in this act shall be construed as permitting any person licensed as an alcohol and drug abuse counselor to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each counselor's formal education and training, licensed alcohol and drug abuse counselors may administer and use appropriate assessment instruments which identify elements of perceptual inability to recognize empirical facts, problems of appropriately displaying emotions, and inappropriate responses to the environment of individuals, couples and families as part of the alcohol and other drugs of abuse therapy process or in the development of a treatment plan in the context of chemical abuse systems.

SECTION 7. The primary functions which may be performed by licensed alcohol and drug abuse counselors are as follows:

- (1) Client intake;
- (2) Client screening;
- (3) Client orientation;
- (4) Client assessment and placement;
- (5) Treatment planning;
- (6) Counseling;
- (7) Case management;
- (8) Crisis intervention;
- (9) Client education;
- (10) Referrals;
- (11) Reports and record keeping; and
- (12) Consultation.

Senate Amendment No. 7

AMEND House Bill No. 740 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Nothing in this act shall be construed as affecting the operation of Alcoholics Anonymous or any similar organization involving self-help activities by and on behalf of individuals with alcohol or other substance abuse problems.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 2, 3 and 7 to **House Bill No. 740**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-

Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 928 -- Taxes, Real Property - Allows property tax exemption applications to be filed up to one year after requested date of exemption; provides for refund of payments made prior to exemption, subject to appropriation. Amends TCA Section 67-5-212. by *Caldwell, *Ferguson. (*SB904 by *McNally)

Senate Amendment No. 2

AMEND House Bill No. 928 by adding the words "until December 31, 1997" at the beginning of the amendatory language of Section 1.

Rep. Caldwell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 928**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 983 -- Criminal Offenses - Makes certain changes within the criminal code. Amends TCA Title 39. by *Buck, *Williams (Williamson). (*SB843 by *Ramsey, *Person, *McNally, *Ramsey)

Senate Amendment No. 3

AMEND House Bill No. 983 by adding the following to the end of the amendatory language of SECTION 1:

Each such application for a handgun carry permit shall clearly state in bold face type directly above the signature line that an applicant who, with intent to deceive, makes any false statement on such application is guilty of the felony offense of perjury.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 983**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1055 -- Firearms and Ammunition - Changes applicant background investigation from local law enforcement to department of safety; authorizes department to raise fee from \$100 to amount not to exceed \$200 to cover additional duties; requires department to notify sheriff of county where applicant resides of applicant's name and address. Amends TCA Title 39, Chapter 17. by *Buck, *Newton, *Stamps, *Godsey, *Mumpower, *Boner, *Beavers, *Fraley, *Ford S, *Sharp, *Boyer, *Cross, *Ferguson, *Whitson, *White, *Hargrove, *Givens, *Jackson, *Sands, *Cole (Dyer), *Phelan, *Maddox, *Bittle, *Garrett, *Dunn, *Burchett, *Roach, *McDaniel, *Sargent, *Fitzhugh. (*SB1170 by *Ramsey, *Henry, *McNally, *Miller J, *Williams)

Rep. Buck requested that House Bill No. 1055 be moved down 2 places on the Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1264** -- Water - Enacts "Drinking Water Revolving Loan Fund Act of 1997." Amends TCA Title 68, Chapter 221, Part 10. by *McAfee, *Wood, *Mumpower, *Patton, *Clabough, *Ford S, *Davis R, *Boyer, *Kerr, *Newton, *McKee, *Godsey, *Walker, *Pleasant, *Goins, *Roach, *Stamps, *Halteman Harwel, *Beavers, *Sargent, *McDaniel, *Walley, *Kent, *Scroggs, *Haley, *Hargett, *Bird, *Bittle. (SB1671 by *Gilbert, *Williams, *Elsea, *McNally, *Atchley, *Person, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler)

Senate Amendment No. 2

AMEND House Bill No. 1264 by adding the following as appropriately designated sections immediately before the effective date section and by redesignating the effective date section accordingly:

Section _____. Tennessee Code Annotated, Section 68-221-1008(b), is further amended by adding the following an appropriately designated subsection:

() One (1) member appointed by the governor, who is an active employee of a municipal water utility and one (1) member who is an active employee of a water utility district. The governor shall consult with the president of the Tennessee Association of Utility Districts to determine qualified persons to fill these appointments;

Section _____. Notwithstanding any provision of law to the contrary, the utility management review board shall have the authority, in the case of public water systems of utility districts, to investigate, with the assistance of the Department and the Comptroller, and determine the financial, technical, and managerial capacity of the systems to comply with the requirements of the federal and the state acts; and to require systems to take appropriate action to correct any deficiencies in such areas, including but not limited to changes in ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures. The utility management review board also may approve or disapprove such corrections as a condition for any public water system of a utility district to receive assistance from the authority under Section 7(a)(3) of this act.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND in Section 6(k) by deleting the language "68-1005(g)" and by substituting instead the language "68-221-1005(g)".

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 20:

() The board shall enter into a memorandum of understanding with the utility management review board describing how water systems will be divided between the two boards, which shall be given to the U.S. Environmental Protection Agency as part of the program submittal.

Senate Amendment No. 1 to Senate Amendment 2

AMEND House Bill No. 1264 by amending the directory language of Amendment #2 by inserting before the words "by adding the following as appropriately" where they appear at the beginning of said amendment the following phrase:

by deleting the language of House Amendment #1 and

Rep. McAfee moved that the House concur in Senate Amendment(s) No(s). 2, as amended, to **House Bill No. 1264**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1408 -- Motor Vehicles, Titling and Registration - Includes "KIDS FIRST" license plates in promotional campaign conducted by division of motor vehicles to increase public's awareness of availability, design and purpose of such plates. Amends TCA Title 55, Chapter 4. by *White, *Brooks, *Sharp. (*SB1646 by *Cohen, *Haun, *Dixon)

Senate Amendment No. 2

AMEND House Bill No. 1408 by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-4-307, is amended by deleting such section in its entirety and by substituting instead the following language:

Section 55-4-307

Notwithstanding the provisions of §55-6-107, all revenues produced each fiscal year from the sale of cultural motor vehicle registration plates authorized by this part shall be allocated to the Tennessee arts commission created in title 4, chapter 20, except as expressly provided otherwise by this part.

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-3__.

(a) The department of safety is authorized to issue cultural plates containing no registration numbers or other identifying symbols to be displayed exclusively on the front of motor vehicles and for decorative purposes only. Such plates shall be of a distinctive design and shall in no instance imitate or duplicate the design of any currently issued special or cultural motor vehicle registration plate. Nothing in this section shall be construed to authorize the use of a decorative cultural plate as a motor vehicle registration plate.

(b) The fee for such decorative cultural plates shall be ten dollars (\$10.00) per plate. There shall be no limitation on the number of such plates that an applicant may purchase.

(c) The funds generated from the sale of such decorative cultural plates, after deducting the costs actually incurred by the department in producing such plates, shall be allocated as follows:

(1) Two dollars (\$2.00) per plate shall be allocated to the county clerk issuing such plate to defray administrative and processing costs; and

(2) The remainder of such funds shall be allocated to the Tennessee arts commission.

(d) For each decorative cultural plate purchased by mail pursuant to this section, the respective county clerks of this state are authorized to impose and collect an additional fee of two dollars (\$2.00) per plate for postage and handling expenses.

SECTION 3. Tennessee Code Annotated, Section 55-4-104(b), is amended by deleting from the second sentence thereof the language "handicapped drivers" wherever it appears and by substituting instead the language "disabled drivers".

SECTION 4. Tennessee Code Annotated, Section 55-4-202(a)(5), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(5) Disabled;

SECTION 5. Tennessee Code Annotated, Section 55-4-202(b)(1), is amended by deleting the language "handicapped," and by substituting instead the language "disabled,".

SECTION 6. Tennessee Code Annotated, Section 55-4-203(11), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(11) Disabled - regular fee applicable to the vehicle, except as expressly provided otherwise by §55-21-103;

SECTION 7. Tennessee Code Annotated, Section 55-4-206(a), is amended by deleting the language "handicapped drivers," and by substituting instead the language "disabled drivers,".

SECTION 8. Tennessee Code Annotated, Section 55-4-224, is amended by deleting the language "handicapped drivers" and by substituting instead the language "disabled drivers".

SECTION 9. The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1997.

Senate Amendment No. 3

AMEND House Bill No. 1408 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The additional revenues allocated to the Tennessee arts commission pursuant to this act shall be allocated by the Tennessee arts commission each fiscal year to the Arts Builds Communities (ABC) grant category to be distributed as block grants to the designated agencies in each of the nine (9) development districts to fund arts programs and/or arts events in each county of the state.

Senate Amendment No. 4

AMEND House Bill No. 1408 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding any other provision of this act, for the first fiscal year in which any new special or cultural license plates authorized by this act are issued, and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates issued pursuant to this act shall be distributed as provided in §55-6-107 and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates authorized by this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the highway fund or the general fund from such plates. This section shall supersede and control any other conflicting provision of this act, regardless of the order of passage of any such conflicting provision.

SECTION ____.

(a) Notwithstanding the provisions of §55-4-201(b)(1)(B) or §55-4-301, as applicable, the special and cultural license plates authorized by this act shall be issued subject to the following requirements:

(1) A minimum order of at least one thousand (1,000) plates if the funds derived from the sale of such plates are allocated to the general fund, the highway fund, a department, agency or other instrumentality of state government, or to a special reserve fund to be utilized by a state agency to effectuate a purpose deemed to be in the state's best interest;

or

(2) A minimum order of at least two thousand five hundred (2,500) plates if the funds derived from the sale of such plates are granted or otherwise remitted to an entity other than a department, agency or other instrumentality of state government.

(b) The provisions of subsection (a) shall apply equally to the renewal of the special and cultural license plates issued pursuant to this act; provided, however, if such plates fail to meet the minimum requirements of subsection (a) for two (2) successive renewal periods after the initial issuance of such plates, such plates shall not be reissued or renewed, and the commissioner of safety shall notify the Tennessee code commission that the section of Tennessee Code Annotated authorizing the issuance of such plates is, on the basis of such inactivity, to be deemed obsolete and invalid.

(c) If the plates authorized by this act have not qualified for initial issuance by July 1, 1999, such plates shall not be issued and the commissioner of safety shall notify the Tennessee code commission that the section of Tennessee Code Annotated authorizing the issuance of such plates is, on the basis of such inactivity, to be deemed obsolete and invalid.

(d) This section shall supersede and control any other conflicting provision of this act, regardless of the order of passage of any such conflicting provision.

Rep. White moved that the House non-concur in Senate Amendment(s) No(s). 2, 3 and 4 to House Bill No. 1408, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1055 -- Firearms and Ammunition - Changes applicant background investigation from local law enforcement to department of safety; authorizes department to raise fee from \$100 to amount not to exceed \$200 to cover additional duties; requires department to notify sheriff of county where applicant resides of applicant's name and address. Amends TCA Title 39, Chapter 17. by *Buck, *Newton, *Stamps, *Godsey, *Mumpower, *Boner, *Beavers, *Fraley, *Ford S, *Sharp, *Boyer, *Cross, *Ferguson, *Whitson, *White, *Hargrove, *Givens, *Jackson, *Sands, *Cole (Dyer), *Phelan, *Maddox, *Bittle, *Garrett, *Dunn, *Burchett, *Roach, *McDaniel, *Sargent, *Fitzhugh. (*SB1170 by *Ramsey, *Henry, *McNally, *Miller J, *Williams)

Further consideration of House Bill No. 1055, previously considered on today's Supplemental Message Calendar.

Senate Amendment No. 3

AMEND House Bill No. 1055 by deleting Section 1(r) of the Senate Judiciary Committee Amendment #1 in its entirety and by relettering the subsequent subsections accordingly.

Senate Amendment No. 7

AMEND House Bill No. 1055 by deleting the language in Section 2(f)(2), as amended, and by substituting instead the following language:

() Upon a conviction for a Class A misdemeanor, the permit holder's permit shall be suspended by the department for the entire term of any sentence imposed by the court, including any pre- or post-trial diversion.

Senate Amendment No. 1 to Senate Amendment No. 7

AMEND House Bill No. 1055

amend to add after misdemeanor the following:

which involves the use or threatened use of force*.

Senate Amendment No. 8

AMEND House Bill No. 1055 by deleting Section 2(e), subdivisions (3), (4) and (5) in their entirety.

Senate Amendment No. 9

AMEND House Bill No. 1055 by deleting the language in Section 2(e)(2), as amended, and by substituting instead the following language:

() If the permit holder is placed on pre- or post-trial diversion, the court ordering such diversion shall determine whether the permit holder possesses a material risk of physical harm to the public if placed on diversion and allowed to retain the permit and, if so, the court shall include in such order and as a condition of such diversion that the permit shall be suspended during the period of such diversion. The court shall provide the department with a copy of the pre- or post-trial diversion order.

Senate Amendment No. 10

AMEND House Bill No. 1055 by deleting the language in Section 2(e)(1), as amended, and by substituting instead the following language:

() If a permit holder is arrested and charged with a felony offense, the court first having jurisdiction over the permit holder with respect to such felony charge shall determine whether the permit holder possesses a material risk of physical harm to the public if released and allowed to retain the permit and, if so, the court shall condition any release of the permit holder, whether on bond or otherwise, upon the permit holder's surrender of the permit to the court. Upon surrender of the permit, the court shall send the permit to the department with a copy of the court's order which required the

surrender of the permit and the department shall suspend the permit pending a final disposition on the felony charges against the permit holder.

Senate Amendment No. 14

AMEND House Bill No. 1055

adding to Section 1(c)(15) after "citizenship" and is currently a citizen of the United States.

Senate Amendment No. 21

AMEND House Bill No. 1055 by deleting the period "." at the end of Section 1(j)(2) and by substituting instead the following:

; or

(3) The applicant, who was rendered infamous or deprived of the rights of citizenship by judgment of any state or federal court, has had his or her full rights of citizenship duly restored pursuant to procedures set forth within Title 40, Chapter 29, or other federal or state law; provided, however, the provisions of this subdivision shall not apply to any person who has been convicted of burglary, any felony offense involving violence and/or use of a firearm or any felony drug offense.

Senate Amendment No. 24

AMEND by adding to Section 1(c)(15) after "citizenship" and is currently a citizen of the United States.

Senate Amendment No. 28

AMEND by deleting Section 1(r) and by substituting instead the following:

(r)(1) The department shall provide reciprocity of gun permits with other states if such other states:

(A) Recognize Tennessee gun permits and

(B) Have the same or higher qualifications for receiving a gun permit as Tennessee; and

(2) The permit holder from such other state is a U.S. Citizen

If a person with a gun permit from another state decided to become a resident of Tennessee, such person must obtain a Tennessee gun permit. Such permit may be issued based on the person having a permit from

another state provided such other state meets the criteria of subdivision (1) and (2) of this subsection.

Senate Amendment No. 1 to Senate Amendment No. 28

AMEND by adding after the word "reciprocity" the words:

"to people who reside in the contiguous states".

Rep. Buck moved that the House non-concur in Senate Amendment(s) No(s). 3, 7, as amended, 8, 9, 10, 14, 21, 24 and 28 to **House Bill No. 1055**, which motion prevailed.

Senate Amendment No. 4

AMEND House Bill No. 1055 by adding to Section 1(c)(6) of the Senate Judiciary Committee Amendment #1 between the word "year" and the punctuation ";" the following language:

which does not include any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices, or

AND FURTHER AMEND adding to Section 1(c)(7) of the Senate Judiciary Committee Amendment #1 between the word "year" and the punctuation ";" the following language:

which does not include any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices, or

Senate Amendment No. 5

AMEND House Bill No. 1055 by adding at the end of Section 1 the following new subsection:

() Any permit issued pursuant to this section shall be deemed a "license" within the meaning of Title 36, Chapter 5, Part 7, dealing with the enforcement of child support obligations through license denial and revocation.

Senate Amendment No. 12

AMEND House Bill No. 1055 by inserting the phrase "firing range" after the phrase "An applicant shall not be required to comply with the" in the second sentence of Section (1)(e).

Senate Amendment No. 13

AMEND House Bill No. 1055 by deleting the period "." at the end of Section 1(e)(3) and by substituting instead the following:

; or

(4) successfully completed all handgun training of not less than four (4) hours as required by any branch of the military.

Senate Amendment No. 17

AMEND House Bill No. 1055 by deleting Section 1(r) and by substituting instead the following:

(r) The department shall provide reciprocity of gun permits with other states if such other states:

(1) Recognize Tennessee gun permits;

(2) Have the same or higher qualifications for receiving a gun permit as Tennessee; and

(3) Require that applicants are U. S. citizens.

If a person with a gun permit from another state decides to become a resident of Tennessee, such person must obtain a Tennessee gun permit. Such permit may be issued based on the person having a permit from another state provided such other state meets the criteria of subdivisions (1) and (2). If the law of another state incorporates the provisions of 18 USC 922(g)(5) and (7) relative to U.S. citizenship, the law of such state shall be deemed to be the same as this state for purposes of subdivision (3) of this subsection.

Senate Amendment No. 23

AMEND by deleting from Section 2(c)(2) the words "and such officials shall promptly and within a reasonable time take possession" and by substituting instead the words "to take possession".

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 4, 5, 12, 13, 17 and 23 to **House Bill No. 1055**, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson,

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 1505 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MOTION TO RETURN BILL TO THE SENATE

Rep. Odom moved that the House return, House Bill No. 1505 to the Senate, which motion prevailed.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 4:00 p.m., today.

MESSAGE FROM THE GOVERNOR

May 30, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s). 215, 273 and 1075, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

May 30, 1997

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 150, 298, 1008, 1028, 1344, 1424, 1674, 1756, 1839, 1998 and 2003.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 30, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1038, also, House Joint Resolution(s) No(s). 408, 409 and 410.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 30, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 25, 29, 48, 61, 152, 194, 199, 217, 242, 248, 281, 309, 406 and 407.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 30, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 25, 29, 48, 61, 152, 194, 199, 217, 242, 248, 281, 309, 406 and 407

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 30, 1997

The Speaker signed the following: Senate Joint Resolution(s) No(s). 343.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1796; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 30, 1997

The Speaker signed the following: Senate Bill(s) No(s). 2022; also, Senate Joint Resolution(s) No(s). 302.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 320, 602, 1026, 1820 and 2005; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1066, 1759, 1835, 2023 and 2032; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2028; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1810; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 674; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1408. The Senate refused to recede from its action in adopting Amendment(s) No(s). 2, 3 and 4.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1036; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 989. The Senate refused to recede from its action in adopting Amendment No. 5.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 155; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 533; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 90; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1017; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1593; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 65; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 433; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1786; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 205; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1160; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 381; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1042; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 945; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 1786 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 47, 116, 731, 795, 1022, 1110, 1111 and 1331; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1767; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 30, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 266, 339, 383, 545, 599, 615, 665, 800, 801, 838, 848, 1218, 1340, 1791 and 1909, also, House Joint Resolution(s) No(s). 64; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 632 and 1553; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1464. The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1636; substituted for Senate Bill(s) on the same subject(s) , amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2006; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 52, 408, 409 and 410; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 899; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1140; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR
May 30, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1756, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the roll call was dispensed with.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 30, 1997:

House Resolution No. 122 -- Memorials, Recognition and Thanks - Summer of Dreams Concert 1997, Hooray for Harriman, Gary Baker and David Webb. by *Ferguson.

House Resolution No. 123 -- Memorials, Retirement - Miriam Morton Bowman. by *Ferguson.

House Resolution No. 124 -- Memorials, Death - Cleveland Staples. by *Cooper B, *Miller L, *Bowers.

House Resolution No. 125 -- Memorials, Sports - Mitchell High School Track Team. by *Cooper B, *Miller L, *Bowers.

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

House Resolution No. 126 -- Memorials, Interns - Hilary Lynn Mazurek. by *Kernell, *Towns, *Winningham, *Brooks, *Garrett.

House Resolution No. 127 -- Memorials, Personal Achievement - Debra D. Joyce Change to 8957. by *Armstrong.

House Joint Resolution No. 411 -- Memorials, Sports - Beech High School girls' softball team. by *McDonald.

House Joint Resolution No. 412 -- Memorials, Professional Achievement - William R. "Bob" Lampley. by *Kernell, *Chumney.

House Joint Resolution No. 413 -- Memorials, Professional Achievement - Marjorie "Christine" Achord Lampley. by *Kernell, *Chumney.

House Joint Resolution No. 415 -- Memorials, Interns - Chastity Hemmer. by *Armstrong, *Pruitt, *Eckles.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for May 30, 1997:

Senate Joint Resolution No. 57 -- Naming and Designating - "Tennessee Treasures," by Michael Sloan, official painting of Tennessee. by *Haynes, *Henry.

Senate Joint Resolution No. 350 -- Memorials, Professional Achievement - Doug Goddard. by *Rochelle, *Haynes, *Henry, *Womack, *Kyle, *Cohen.

Senate Joint Resolution No. 351 -- Memorials, Personal Occasion - Brandon Bradshaw Cate and Laura Leigh Partin, upcoming wedding. by *Person, *Gilbert, *Leatherwood.

Senate Joint Resolution No. 352 -- Memorials, Recognition and Thanks - Gallatin D.A.R.E. Program. by *Graves.

Senate Joint Resolution No. 353 -- Memorials, Interns - Sam McPeak. by *Ramsey, *Crowe.

Senate Joint Resolution No. 355 -- Memorials, Professional Achievement - Gary Gentry. by *Haynes.

Senate Joint Resolution No. 356 -- Memorials, Interns - Bridgett Roberts. by *Crutchfield.

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

Senate Joint Resolution No. 357 -- Memorials, Retirement - Harry Lohrke. by *Haynes.

Senate Joint Resolution No. 358 -- Memorials, Interns - David Schwarz. by *Cohen.

Senate Joint Resolution No. 359 -- Memorials, Interns - Ashley Compton. by *Cohen, *Haun, *Cooper.

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 122 -- Memorials, Recognition and Thanks - Summer of Dreams Concert 1997, Hooray for Harriman, Gary Baker and David Webb. by *Ferguson.

House Resolution No. 123 -- Memorials, Retirement - Miriam Morton Bowman. by *Ferguson.

House Resolution No. 124 -- Memorials, Death - Cleveland Staples. by *Cooper B, *Miller L, *Bowers.

House Resolution No. 125 -- Memorials, Sports - Mitchell High School Track Team. by *Cooper B, *Miller L, *Bowers.

House Resolution No. 126 -- Memorials, Interns - Hilary Lynn Mazurek. by *Kernell, *Towns, *Winningham, *Brooks, *Garrett.

House Resolution No. 127 -- Memorials, Personal Achievement - Debra D. Joyce Change to 8957. by *Armstrong.

House Joint Resolution No. 411 -- Memorials, Sports - Beech High School girls' softball team. by *McDonald.

House Joint Resolution No. 412 -- Memorials, Professional Achievement - William R. "Bob" Lampley. by *Kernell, *Chumney.

House Joint Resolution No. 413 -- Memorials, Professional Achievement - Marjorie "Christine" Achord Lampley. by *Kernell, *Chumney.

House Joint Resolution No. 415 -- Memorials, Interns - Chastity Hemmer. by *Armstrong, *Pruitt, *Eckles.

Senate Joint Resolution No. 57 -- Naming and Designating - "Tennessee Treasures," by Michael Sloan, official painting of Tennessee. by *Haynes, *Henry.

Senate Joint Resolution No. 350 -- Memorials, Professional Achievement - Doug Goddard. by *Rochelle, *Haynes, *Henry, *Womack, *Kyle, *Cohen.

Senate Joint Resolution No. 351 -- Memorials, Personal Occasion - Brandon Bradshaw Cate and Laura Leigh Partin, upcoming wedding. by *Person, *Gilbert, *Leatherwood.

Senate Joint Resolution No. 352 -- Memorials, Recognition and Thanks - Gallatin D.A.R.E. Program. by *Graves.

Senate Joint Resolution No. 353 -- Memorials, Interns - Sam McPeak. by *Ramsey, *Crowe.

Senate Joint Resolution No. 355 -- Memorials, Professional Achievement - Gary Gentry. by *Haynes.

Senate Joint Resolution No. 356 -- Memorials, Interns - Bridgett Roberts. by *Crutchfield.

Senate Joint Resolution No. 357 -- Memorials, Retirement - Harry Lohrke. by *Haynes.

Senate Joint Resolution No. 358 -- Memorials, Interns - David Schwarz. by *Cohen.

Senate Joint Resolution No. 359 -- Memorials, Interns - Ashley Compton. by *Cohen, *Haun, *Cooper.

Rep. Armstrong moved that all members voting aye on House Resolution No. 127 be added as sponsors, which motion prevailed.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution(s) No(s). 57 and 350 be added as sponsors, which motion prevailed.

Rep. Kernell moved that all members voting aye on House Joint Resolution No. 412 and 413 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent,

Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

SUPPLEMENTAL MESSAGE CALENDAR NO. 2

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 65** -- Judgments - Reduces from eight to six months time period in which awards must be paid following submission. Amends TCA Title 29. by *Odom. (SB446 by *Haynes)

Senate Amendment No. 3

AMEND House Bill No. 65 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 29-16-125(b)(2), is further amended by adding the following sentence:

Provided, however, by majority vote of the county legislative body occurring prior to January 1, 1998, such amount may be alternatively set at a level not to exceed twenty-five dollars (\$25.00) per day.

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 65**, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Sands -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 90** -- Penal and Reformatory Institutions - Increases from three to five number of persons who may be appointed by county legislative bodies to inspect local jails Amends TCA Title 4; Title 8, Chapter 26; Title 39; Title 40 and Title 41. by *Boner, *Odom, *Pleasant, *Haley, *Winningham, *Turner (Hamilton). (SB785 by *Burks)

Senate Amendment No. 2

AMEND House Bill No. 90 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-316, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) The sentencing court shall have no authority to grant a furlough to a defendant pursuant to the authority of subsection (a) for the purpose of allowing such defendant to work unless the defendant is held to and meets all of the eligibility and supervision requirements, testing standards and other criteria imposed upon defendant's participating in the work release program formulated by the board of workhouse commissioners or other administrative authority of the institution in that jurisdiction.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 2

AMEND House Bill No. 90 by deleting the language "upon defendant's participating in the work release program formulated by the board of workhouse commissioners or other administrative authority of the institution in that jurisdiction" in subsection (b) of Section 1 of Amendment 1 and by substituting instead the language "by or pursuant to state law".

Rep. Boner moved that the House concur in Senate Amendment(s) No(s). 2 as amended to **House Bill No. 90**, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh,

Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 155** -- Memorials, Congress - Urges enactment of legislation to facilitate rapid review and approval of innovative new drugs, biological products and medical devices, without compromising patient safety or product effectiveness. by *DeBerry L.

Senate Amendment No. 1

AMEND House Joint Resolution No. 155 in the fifth Whereas clause of the preamble of the resolution as introduced by deleting the language "and are unnecessarily expensive".

Rep. L. DeBerry moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 155**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 205 -- Education - Changes references to "superintendent," "county superintendent," "county superintendent of public instruction," or similar terms to "director of schools." Amends TCA Title 49, by *Davidson, *Davis R, *Winningham. (*SB23 by *Womack)

Senate Amendment No. 2

AMEND House Bill No. 205 by deleting Sections 1 through 3 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subdivision (6) of subsection (a) and substituting instead the following:

(6) A comparison of expenditures by category and program for each school system with statewide averages.

SECTION 2. Tennessee Code Annotated, Section 49-1-602, is amended by inserting in subsection (a) before the words "on probation" the words "on notice for one year or"; by deleting from subsection (b) the word "probationary"; and by deleting from subsection (c) the first sentence and inserting instead the following sentence:

During the year on notice, the department of education and the office of education accountability established in Tennessee Code Annotated, Section 4-3-308, will jointly study the school or system.

Tennessee Code Annotated, Section 49-1-602, is further amended by inserting after the end of the second sentence of subsection (c) the words and punctuation "The commissioner may require the school or school system to incorporate the recommendations into its school improvement plan."; by deleting from the third sentence of subsection (c) the words "in the first year" and inserting instead the words "by the end of the first year on notice"; by deleting from subsection (c) the words "will remain" and inserting instead the words "may be placed"; and by adding to subsection (c) after the words and punctuation "on probation" the words and punctuation "While a school or system is on probation, the commissioner may restrict the discretionary powers of the director of schools or of the local board of education to ensure implementation of the recommendations from the joint study."

SECTION 3. Tennessee Code Annotated, Section 49-1-608, is amended by deleting the dates "1998-1999" and substituting the dates "1999-2000".

SECTION 4. Tennessee Code Annotated, Section 49-6-3050, is amended in subdivision (b)(5)(A) by deleting the word, figure, and comma "two (2),".

SECTION 5. Tennessee Code Annotated, Section 49-6-3050(b)(5)(B), is amended by deleting the words and figure "grades two (2) and" and by substituting the word "grade."

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following new sections:

Section 49-6-6002. No state mandated test shall be conducted earlier than the third (3rd) grade, except that when the first and second grade tests provided for in Section 7 are available, these tests shall be conducted.

Section 49-6-6003. A comprehensive writing assessment shall be conducted in grades four (4), seven (7), and eleven (11).

SECTION 7. The commissioner of education and the state board of education shall recommend to the joint oversight committee on education by January 1, 1998, a diagnostic method for evaluating reading and other basic skills in the first and second grades.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 205**, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 207. The Senate refused to recede from its action in adopting Amendment No. 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

***House Joint Resolution No. 207** -- Memorials, Government Officials - Requests governor and department of environment and conservation to take certain actions regarding incinerator at Oak Ridge. by *Cross, *Ferguson.

Rep. Cross moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 3, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE JOINT RESOLUTION NO. 207**

Pursuant to **Rule No. 73**, Representative Cross moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Joint Resolution No. 207, which motion prevailed.

The Speaker appointed Representatives Cross, Odom and Bittle as the House members of the Conference Committee on House Joint Resolution No. 207.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 381** -- Foster Care - Enacts "Foster Parent Rights Act." Amends TCA Title 37, Chapter 2, Part 4. by *Hargrove, *Dunn, *Bowers, *Givens, *Mumpower, *Boyer, *Fraleigh. (SB1311 by *Burks, *Crowe, *Kurita, *Carter, *Cohen, *Cooper, *Davis L, *Miller J, *Jordan, *Ramsey, *McNally, *Person)

Senate Amendment No. 1

AMEND House Bill No. 381 by deleting all language after the enacting clause and by substituting instead the following:

WHEREAS foster parents provide a critical service to the State of Tennessee, caring for thousands of foster children every year; and

WHEREAS foster parents allow the State of Tennessee substantial financial savings each year through providing care to children at extremely low cost to the state; and

WHEREAS foster parents provide loving homes enabling children to endure the hardship associated with separation from family; and

WHEREAS offering the services of ones family as foster care providers involves tremendous sacrifice and selflessness; and

WHEREAS there is a need for statewide uniformity in the effective application of foster care in Tennessee; now, therefore;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as the "Foster Parent Rights Act".

SECTION 2. To the extent not otherwise prohibited by state or federal statute, the department shall, through promulgation of rules in accordance with Tennessee Code Annotated, Title 4, Chapter 5, implement each of the following tenets. With respect to the placement of any foster child with a foster parent, which is contracted directly with the department of children's services, pursuant to Title 37, Chapter 2, Part 4:

(1) The department shall treat the foster parent(s) with dignity, respect, trust and consideration as a primary provider of foster care and a member of the professional team caring for foster children.

(2) The department shall provide the foster parent(s) with a clear explanation and understanding of the role of the department and the role of the members of the child's birth family in a child's foster care.

(3) The foster parent(s) shall be permitted to continue his/her own family values and routines.

(4) The foster parent(s) shall be provided training and support for the purpose of improving skills in providing daily care and meeting the special needs of the child in foster care.

(5) Prior to the placement of a child in foster care, The department shall inform the foster parent(s) of issues relative to the child that may jeopardize the health and safety of the foster family or alter the manner in which foster care should be administered.

(6) The department shall provide a means by which the foster parent(s) can contact the department twenty four (24) hours a day, seven (7) days a week for the purpose of receiving departmental assistance.

(7) The department shall provide the foster parent(s) timely, adequate financial reimbursement for the quality and knowledgeable care of a child in foster care, as specified in the plan; provided, however, the amount of such financial reimbursement shall, each year, be subject to and restricted by the level of funding specifically allocated for such purpose by the provisions of the general appropriations act.

(8) The department shall provide clear, written explanation of the plan concerning the placement of a child in the foster parent's home. For emergency placements where time does not allow prior preparation of such explanation, the department shall provide such explanation as it becomes available. This explanation shall include, but is not limited to, all information regarding the child's contact with such child's birth family and cultural heritage, if so outlined.

(9) Prior to placement, the department shall allow the foster parent(s) to review written information concerning the child and allow the foster parent(s) to assist in determining if such child would be a proper placement for the prospective foster family. For emergency placements where time does not allow prior review of such information, the department shall provide information as it becomes available.

(10) The department shall permit the foster parent(s) to refuse placement within their home, or to request, upon reasonable notice to the department, the removal of a child from his or her home for good reason, without threat of reprisal, unless otherwise stipulated by contract or policy.

(11) The department shall inform the foster parent(s) of scheduled meetings and staffing, concerning the foster child, and the foster parent(s) shall be permitted to actively participate in the case planning and decision making process regarding the child in foster care. This may include individual service planning meetings, foster care reviews, and individual educational planning meetings.

(12) The department shall inform a foster parent(s) of decisions made by the courts or the child welfare agency concerning the child.

(13) The department shall solicit the input of a foster parent(s) concerning the plan of services for the child; this input shall be considered in the department's ongoing development of the plan.

(14) The department shall permit, through written consent, the ability of the foster parent(s) to communicate with professionals who work with the foster child, including any therapists, physicians and teachers that work directly with the child.

(15) The department shall provide all information regarding the child and the child's family background and health history, in a timely manner to the foster parent(s). The foster parent(s) shall receive additional or necessary information, that is relevant to the care of the child, on an ongoing basis.

(16) The department shall provide timely, written notification of changes in the case plan or termination of the placement and the reasons for the changes or termination of placement to the foster parent(s), except in the instances of immediate response for child protective services.

(17) The department shall notify the foster parent(s), in a complete manner, of all court hearings. This notification may include, but is not limited to, notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case. Such notification shall be made upon the department's receiving of this information, or at the same time that notification is issued to birth parents. The foster parent(s) shall be permitted to attend such hearings at the discretion of the court.

(18) The department shall provide, upon request by the foster parent(s), information regarding the child's progress after a child leaves foster care. Information provided pursuant to this subsection shall only be provided from information already in possession of the department at the time of the request.

(19) The department shall provide the foster parent(s) the training for obtaining support and information concerning a better understanding of the rights and responsibilities of the foster parent(s).

(20) The department shall consider the foster parent(s) as the possible first choice permanent parents for the child, who after being in the foster parent's home for twelve (12) months, becomes free for adoption or permanent foster care.

(21) The department shall consider the former foster family as a placement option when a foster child who was formerly placed with the foster parent(s) is to be re-entered into foster care.

(22) The department shall permit the foster parent(s) a period of respite, free from placement of foster children in said family's home with follow-up contacts by the agency occurring a minimum of every two (2) months. The foster parent(s) shall provide reasonable notice, to be determined in the promulgation of rules, to the department for respite.

(23) Child abuse/neglect investigations involving the foster parent(s) shall be investigated pursuant to the department's Child Protective Services policy and procedures. A Child Protective Services Case Manager from another area shall be assigned investigative responsibility. Removal of a foster child will be conducted pursuant to Tennessee Code Annotated and departmental policy and procedures. The department shall permit an individual selected by the membership of the Tennessee Foster Care Association to be educated concerning the procedures relevant to investigations of alleged abuse and neglect by the department and the rights of the accused foster parent(s). Upon receiving such training, such individual shall be permitted to serve as advocate for the accused foster parent(s). Such advocate shall be permitted to be present at all portions of investigations where the accused foster parent(s) are present, and all communication received by such advocate therein shall be strictly confidential. Nothing contained within this item shall be construed to abrogate the provisions of Tennessee Code Annotated, Title 37, Chapter 1, regarding procedures for investigations of child abuse and neglect and child sexual abuse by the department of children's services and law enforcement agencies.

(24) The department shall provide the foster parent(s) copies of all information relative to their family and services the foster parent(s) contained in the personal foster home record upon request.

(25) The department shall advise the foster parent(s) of mediation efforts through publication in departmental policy manuals and the Foster Parent Handbook. The foster parent(s) may file for mediation efforts in response to any violations of the preceding tenets.

SECTION 3. In promulgation of rules pursuant to Section 2, the department shall provide forty-five (45) days written notification of public hearings, held pursuant to Tennessee Code Annotated, Title 4, Chapter 5, to the President of the Tennessee Foster Care Association and his or her designee.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 381 by adding the following at the end of item (15) of Section 2 of Amendment No. 1, as amended:

Provided, however, confidential information received by the foster parents shall be maintained as such by the foster parents, except as necessary to promote or protect the health and welfare of the child.

Senate Amendment No. 2 to Senate Amendment No. 1

AMEND House Bill No. 381 by deleting the words "shall consider" in item (20) of Section 2 of Amendment Number 1, as amended, and by substituting instead the words "may consider".

Senate Amendment No. 3 to Senate Amendment No. 1

AMEND House Bill No. 381 by deleting Section 4 of Amendment 1, as amended, and by substituting instead the following:

SECTION 4. Section 2(23) of this act shall take effect on February 1, 1998. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 2

AMEND House Bill No. 381 by deleting Section 2(7) and by substituting instead the following:

(7) The department shall provide foster parents timely, reasonable financial reimbursement, not to exceed the level of funding specifically allocated for such purpose by the provisions of the general appropriations act.

Rep. Hargrove moved that the House non-concur in Senate Amendment(s) No(s). 1, as amended, and 2 to **House Bill No. 381**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 433 -- Trusts - Sets out powers of and limitations upon trustee-beneficiaries of trusts. Amends TCA Title 35. by *Fowlkes. (*SB432 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 433 by deleting the word "settlor" in subdivision (b)(3)(A) of Section 1 of the printed bill and by substituting instead the words and punctuation "party in interest, as defined in subdivisions (c)(1) and (c)(2) of Section 1 of this act,".

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 433**, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 533** -- Police - Requires part-time and auxiliary police officers to complete ten hours of training before performing any police-related work other than office-related work. Amends TCA Title 38, Chapter 8, Part 1. by *Kent. (SB858 by *Haun)

Senate Amendment No. 1

AMEND House Bill No. 533 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 38-8-111, is amended by deleting the first sentence of subdivision (f)(1) and by substituting instead the following:

All sheriffs shall complete in-service training as set forth in this subsection and shall receive cash salary supplement as provided by the commission for police officers.

Section 2. Tennessee Code Annotated, Section 38-1-111, is further amended by deleting subsection (f)(2) in its entirety and by substituting instead the following:

(f)(2) Sheriffs successfully completing such training shall receive cash salary supplements in the same manner and under the same conditions as set forth in this part for police officers, except that the commission shall make the funds for salary supplements available to the appropriate counties for payment to sheriffs.

Section 3. Tennessee Code Annotated, Section 38-8-111, is further amended by deleting subsections (f)(3) and (f)(4) in their entirety and by substituting instead the following:

(f)(3) The commission shall issue to any sheriff successfully completing recruit training, or possessing its equivalency, a sheriff's certificate of compliance in the manner in which it issues police officers' certificates of compliance. A sheriff already holding any certificate of compliance from the commission may request the commission to recognize such sheriff's certification. A sheriff receiving a certificate of compliance has a continuing duty to meet all requirements as set forth in this section and Tennessee Code Annotated, Section 8-8-102. In the event a person holding a police officer's certificate of compliance assumes the office of sheriff, the commission shall substitute for the police officer certificate a sheriff's certificate of compliance.

Section 4. This act shall take effect January 1, 1998, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 533 by inserting in the amendatory language of Section 1 of Senate Judiciary Committee Amendment No. 1 the word "annual" between the word "complete" and the words "in-service".

AND FURTHER AMEND in the amendatory language of Section 2 of Senate Judiciary Amendment No. 1, the word "annual" between the word "such" and the word "training".

AND FURTHER AMEND in the amendatory language of Section 3 of Senate Judiciary Committee Amendment No. 1, the words and punctuation "and completing continuing annual training," between the words and punctuation "its equivalency," and the words "a sheriff".

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to **House Bill No. 533**, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 674 -- Courts, Circuit - Creates seven additional circuit courts; provides for election of judges (13th, 15th, 16th, 21st, 22nd, 25th) Amends TCA Section 16-2-506. by *Hargrove, *Buck, *Kisber, *Davis R, *Hood, *Eckles, *Sands, *Bone, *Curtiss, *Williams (Wil), *Fowlkes, *White, *Windle, *Langster. (*SB820 by *Rochelle)

Rep. Hargrove requested that House Bill No. 674 be moved to the heel of the Supplemental Message Calendar No. 2.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 945 -- Utilities, Utility Districts - Enacts "Electric Utility Comprehensive Equal Power and Authority Act of 1997." Amends TCA Title 65, Chapter 25. by *Stulce. (*SB1593 by *Crutchfield, *Gilbert)

Senate Amendment No. 4

AMEND House Bill No. 945 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as the "Electric Utility Comprehensive Equal Power and Authority Act of 1997".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Electric cooperative" means an electric cooperative or electric membership corporation, whether organized or operating under the provisions of Tennessee Code Annotated, Title 65, Chapter 25, or similar statutes of any other state, which, as of the date of this act, distributes electric power purchased from the Tennessee Valley Authority;

(2) "Municipal utility" and "municipal electric utility" means any governmental entity as defined in Tennessee Code Annotated, Section 29-20-102, having a system for the distribution of electricity, whether operated under the authority of a board of the governmental entity, a department of the governmental entity or under the authority of a board created pursuant to the provisions of the Tennessee Municipal Electric Plant Law, Tennessee Code Annotated, Title 7, Chapter 52, or by the authority of any other public or private act of the general assembly or pursuant to the charter of a municipality, and that operates an electric generation or distribution system which, as of the date of this act, distributes electricity purchased from the Tennessee Valley Authority and also includes any municipality, county or other political subdivision of another state, whether operated under a board or as a county or municipal department, which, as of the date of this act, distributes electricity purchased from the Tennessee Valley Authority.

SECTION 3. The general assembly hereby finds and determines that participating in interlocal agreements by electric cooperatives and municipal utilities, as authorized by this act, provides a mutual benefit by reducing the expense of operations of municipal utilities and electric cooperatives and, as a result, reduces the cost of electricity for the citizens of Tennessee. Accordingly, the General Assembly hereby finds that all contributions of financial and administrative resources and associated costs and expenses that are made by a municipal utility pursuant to an interlocal agreement as authorized by this act, are made for a public and governmental purpose, and that all such contributions benefit the contributing municipal utilities.

SECTION 4. Every municipal electric utility and every electric cooperative are hereby authorized to enter into and to fulfill the terms of interlocal cooperation agreements under the authority of Tennessee Code Annotated, Title 12, Chapter 9, whether or not the parties of such agreements share equal powers with respect to the subject matter of such agreements. For the purpose of entering into agreements authorized under this chapter or entering into an interlocal agreement under Tennessee Code Annotated, Title 12, Chapter 9, municipal utilities and electric cooperatives are authorized to enter into interlocal agreements, as if each electric cooperative were a "public agency" for the purposes of Tennessee Code Annotated, Title 12, Chapter 9.

SECTION 5. Every municipal electric utility and every electric cooperative are hereby authorized to use surplus revenues in connection with the exercise of any power or authority they may exercise under any law, provided the exercise of that power or authority is not a violation of the terms and conditions of a wholesale power contract between the Tennessee Valley Authority and the respective municipal electric utility or electric cooperative and is not a violation of or otherwise prohibited by the terms and conditions of any covenants in any outstanding revenue bonds of the municipal electric utility or loan covenant of the electric cooperative, as may be applicable.

SECTION 6. Notwithstanding any other provisions of this act or other law to the contrary, if the exercise of power or authority granted by this act involves any system, plant, or equipment for the provision of telephone, telegraph, telecommunications services or any other like system, plant, or equipment, such exercise, whether by a municipal electric system, an electric cooperative or jointly, shall not be subject to the provisions of this act but instead shall be subject to the provisions of Tennessee Code Annotated, Title 7, Chapter 52, as amended. With respect to telephone, telegraph, or telecommunications services, electric cooperatives shall be subject to regulation by the Tennessee Regulatory Authority to the same extent as municipal electric utilities under Tennessee Code Annotated, Title 7, Chapter 52.

SECTION 7. In the exercise of their respective powers and authority, jointly and severally, under interlocal cooperation agreements entered into under the authority of this act and Tennessee Code Annotated, Title 12, Chapter 9, electric cooperatives and municipal utilities and any separate entity or body created under Tennessee Code Annotated, Section 12-9-104(c), may exercise such powers and authority regardless of the competitive consequences thereof.

SECTION 8. Nothing in this act shall be deemed to be an implied repeal of the service area limitations established in Tennessee Code Annotated, Section 6-51-112 or Title 65, Chapter 34.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. Nothing in this act shall be construed to change the requirements of Tennessee Code Annotated, Title 7, Chapter 82, with respect to the merger or acquisition of any water, sewer, or gas system of a utility district with or by a municipal electric utility or electric cooperative. Nothing in this act shall be construed to authorize any municipal electric utility or electric cooperative to provide a service for which a license, certification or registration is required pursuant to Tennessee Code Annotated, Title 62, Chapter 32, Part 3, or operate a cable system as defined by Tennessee Code Annotated, Section 7-59-201(2) for the provision of cable service, to provide pager services, or to operate as an internet service provider.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 945**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 989 -- Election Laws - Prohibits political parties from nominating candidates for state trial court judges; requires all such elections be nonpartisan. Amends TCA Title 2. by *Bowers, *Chumney, *Turner (Shelby). (*SB1600 by *Ford J, *Cohen)

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

Rep. Bowers moved that the House refuse to recede from its action in non-concurring in Senate Amendment 5, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 989**

Pursuant to **Rule No. 73**, Representative Bowers moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 989, which motion prevailed.

The Speaker appointed Representatives Bowers, Miller, Chumney, Haley and Hargrove as the House members of the Conference Committee on House Bill No. 989.

**MESSAGE FROM THE SENATE
May 30, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 989. The Senate acceded to the request of the House and appointed a Conference Committee composed of Senators Ford, Jordan, Kyle and Person to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 989.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1017 -- Courts, General Sessions - Increases from \$10,000 to \$15,000 jurisdictional limit of general sessions courts. Amends TCA Title 16, Chapter 15. by *Buck. (*SB476 by *Haynes)

Rep. Buck requested that House Bill No. 1017 be moved down 5 places on the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1036 -- Massage - Revises from October 1, 1995 to October 1, 1997, when person may certify that has completed 500 hours of massage in order to be eligible for massage therapist license. Amends TCA Title 63, Chapter 18, Part 2. by *Ritchie, *DeBerry L. (*SB1429 by *Gilbert)

Senate Amendment No. 3

AMEND House Bill No. 1036 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 63-18-205, is amended by adding the following as a new, appropriately designated subsection:

Notwithstanding any other provision of law, rule or regulation to the contrary, due to special circumstances, any applicant who: (1) has been engaging in massage therapy on the premises of a non-profit health facility for not less than twenty-nine (29) years; (2) is legally blind; and (3) has five hundred (500) hours of documented experience as an unlicensed massage therapist before October 1, 1995 may make application to the Tennessee Massage Licensure Board for a license provided that verification of these qualifications is received by the board administrative office on or before October 1, 1997.

Section 2. Tennessee Code Annotated, Section 63-18-205(b)(3), is amended by deleting item (D) in its entirety and by substituting instead the following:

(D) Notwithstanding any other provision of law, rule or regulation to the contrary, due to special circumstances, any applicant who:

(1) has been engaging in massage therapy for not less than fourteen (14) years;

(2) has complied with and received all appropriate local permits prior to October 1, 1995;

(3) is not less than fifty-eight (58) years of age; and

(4) has five hundred (500) hours of documented experience as an unlicensed massage therapist before October 1, 1995, may make application to the Tennessee Massage Licensure Board for a license provided that verification of these qualifications is received by the board administration office on or before October 1, 1997; or if application has already been made, the board shall reopen the file for normal processing without the imposition of any burden, fiscal or otherwise, not already imposed on any other applicant under ordinary circumstances.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it, by deleting all language after the enacting clause and by substituting instead the following:

Rep. Ritchie moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1036**, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Dyer),

Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1042 -- Drugs - Makes certain changes relative to fines for drug offenses. Amends TCA Title 39, Chapter 17, Part 4. by *Ritchie, *Fitzhugh, *McDonald, *Turner (Hamilton). (*SB1384 by *Cohen, *Cohen, *Gilbert, *Person)

Rep. Ritchie requested that House Bill No. 1042 be moved to the heel of the Supplemental Message Calendar No. 2.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1160 -- Sexual Offenses - Prohibits rape or sexual battery of spouse who has been living apart for 30 days regardless of whether divorce petition filed; permits charges of spousal rape or sexual battery to be brought by affidavit of complaint. Amends TCA Title 39, Chapter 13, Part 5. by *McMillan, *Turner (Hamilton), *Chumney. (*SB1082 by *Haynes, *Burks, *Harper)

Senate Amendment No. 1

AMEND House Bill No. 1160 by adding the word "or" to the end of subpart (b)(1)(B) of the amendatory language of SECTION 1; by deleting the word "or" at the end of subpart (b)(1)(C) of such section; by deleting the semicolon ";" at the end of subpart (b)(1)(C) of such section and substituting instead a period "."; and by deleting subpart (b)(1)(D) of such section in its entirety.

AND FURTHER AMEND by adding the word "or" to the end of subpart (c)(1)(B) of the amendatory language of SECTION 1; by deleting the word "or" at the end of subpart (c)(1)(C) of such section; by deleting the semicolon ";" at the end of subpart (c)(1)(C) of such section and substituting instead a period "."; and by deleting subpart (c)(1)(D) of such section in its entirety.

AND FURTHER AMEND in subdivision (b)(2)(B) of the amendatory language of SECTION 1, by deleting the language "or (b)(1)(D)".

AND FURTHER AMEND in subdivision (c)(2)(B) of the amendatory language of SECTION 1, by deleting the language "or (c)(1)(D)".

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1160, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1402. The Senate refused to recede from its action in adopting Amendment(s) No(s). 1, as amended, 2, 3 and 4.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1402 -- Lobbying, Lobbyists - Restricts application of lobbyist prohibitions to registered lobbyists; revises other provisions of restrictions. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by *Kisber, *Kernell. (*SB1409 by *Cohen, *Gilbert, *Person)

Rep. Kisber moved that the House refuse to recede from its action in non-concurring in Senate Amendment No. 1, as amended, 2, 3, and 4, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 1402

Pursuant to **Rule No. 73**, Representative Kisber moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1402, which motion prevailed.

The Speaker appointed Representatives Kisber, Kernell and McMillan as the House members of the Conference Committee on House Bill No. 1402.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1402. The Senate acceded to the request of the House and appointed a Conference Committee composed of Senators Cohen, Cooper, Gilbert, Rochelle, Ramsey and Person to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1402.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1408 -- Motor Vehicles, Titling and Registration - Includes "KIDS FIRST" license plates in promotional campaign conducted by division of motor vehicles to increase public's awareness of availability, design and purpose of such plates. Amends TCA Title 55, Chapter 4. by *White, *Brooks, *Sharp. (*SB1646 by *Cohen, *Haun, *Dixon)

Rep. White moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2, 3, and 4, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 1408

Pursuant to **Rule No. 73**, Representative White moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1408, which motion prevailed.

The Speaker appointed Representatives White, Ridgeway and McKee as the House members of the Conference Committee on House Bill No. 1408.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1408. The Senate acceded to request of the House for appointment of Conference Committee. The Speaker appointed a Conference Committee composed of Senators Herron, Cooper and Cohen to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1408.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1593 -- Tort Liability - Grants immunity to local governments using juvenile offenders for community service work if due care used in supervision. Amends TCA Section 37-1-131(a)(7). by *McMillan, *Fowlkes, *Givens, *Ridgeway, *Kent, *Cross, *Davidson. (*SB473 by *Haynes, *Kurita)

Senate Amendment No. 1

AMEND House Bill No. 1593 by inserting the words and punctuation ", proximately caused by the juvenile," between the words "person" and "while" in subdivision (B) of Section 1 of the printed bill.

AND FURTHER AMEND by inserting the words and punctuation ", proximately caused by the juvenile," between the words "received" and "while" in subdivision (D) of Section 1 of the printed bill.

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1593**, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1017 -- Courts, General Sessions - Increases from \$10,000 to \$15,000 jurisdictional limit of general sessions courts. Amends TCA Title 16, Chapter 15. by *Buck. (*SB476 by *Haynes)

Further consideration of House Bill No. 1017, previously considered on today's Supplemental Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 1017 by adding the following as a new section to be appropriately designated and by redesignating the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section 16-15-501(d)(2), is amended by deleting the words, figures and symbols "fifteen thousand dollars (\$15,000)" and by substituting instead the following: twenty-five thousand dollars (\$25,000)

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1017**, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Winningham -- 1.

A motion to reconsider was tabled.

Senate Amendment No. 2

AMEND House Bill No. 1017 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than two hundred eighty-five thousand (285,000) nor more than two hundred eighty-six thousand (286,000), according to the 1990 federal census or any subsequent federal census.

Rep. Buck moved that the House non-concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1017**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1767 -- Victims Rights - Makes expenses incurred by victim traveling to and from trial of defendant alleged to have committed compensable offense against such victim reimbursable under criminal injuries compensation fund Amends TCA Title 29, Chapter 13; Title 39 and Title 40. by *Maddox, *Pleasant, *Haley, *Hargett. (*SB1793 by *Herron, *Fowler, *Burks)

Senate Amendment No. 1

AMEND House Bill No. 1767 by adding the following as a new section of the printed bill to be appropriately designated:

SECTION ____ Tennessee Code Annotated, Section 29-13-106(a), is amended by adding the following as a new subdivision to be appropriately designated:

() The victim's moving expenses, storage fees and fees for transfer of utility service if the move results from an assault on such victim which occurred at the victim's principal place of residence.

Rep. Maddox moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1767**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1786 -- Health - Enacts "Health Care Consumer Right-to-Know Act of 1997." by *Jones, S., *Beavers, *Brooks, *Langster, *Bowers. (*SB710 by *Dixon)

Rep. S. Jones moved that House Bill No. 1786 be returned to the Senate for further consideration, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1796** -- Budget Procedures - Directs transfer of \$1.6 million remaining in Health Access Incentive Account as of June 30, 1996, to general fund. Amends TCA Section 66-29-151(a). by *McDaniel, *Kisber, *Stamps, *Davis R. (SB1939 by *Atchley, *McNally, *Koella, *Ramsey, *Carter, *Elsa, *Person, *Leatherwood, *Crowe)

Senate Amendment No. 1

AMEND House Bill No. 1796 by deleting House amendment #1 and House amendment #2 in their entirety.

Rep. McDaniel moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1796**, which motion prevailed by the following vote:

Ayes 86
Noes 5

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Brooks, Caldwell, Fitzhugh, Givens, Kernell -- 5.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

SUPPLEMENTAL MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1810 -- Custody and Support - Allows governor to require, prior to requesting extradition of person owing duty of support from another state, district attorney general certify that obligee commenced action for support at least 30, rather than 60, days prior to request. Amends TCA Title 4; Title 7; Title 8; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 22; Title 23; Title 24; Title 25; Title 26; Title 27; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 45; Title 47; Title 48; Title 49; Title 50; Title 55; Title 56; Title 57; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Stamps, *Walley, *McDaniel, *Stamps, *Davis R. (*SB1707 by *Person, *McNally, *Atchley, *Elsa, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Fowler)

Senate Amendment No. 8

AMEND by deleting Section 45 in its entirety

Rep. Stamps moved that the House non-concur in Senate Amendment(s) No(s). 8 to **House Bill No. 1810**, which motion prevailed.

Senate Amendment No. 3

AMEND House Bill No. 1810 by deleting in subdivision (n)(2) of Section 36-5-501 of SECTION 17 of Senate Judiciary Committee Amendment No. 1, as amended, the words "who will be appointed by the chief justice of the supreme court" and by substituting instead the words "one of whom will be appointed by the chief justice of the supreme court and one of whom will be appointed by the president of the council of juvenile and family court judges".

Senate Amendment No. 4

AMEND House Bill No. 1810 by deleting subdivisions (b)(3)(C) and (D) in § 36-5-901 of SECTION 12 of the amendatory language of Senate Judiciary Committee Amendment No. 1, by substituting instead the following new subdivisions (3)(C), (3)(D) and (3)(E) and by redesignating existing subdivision (3)(E) accordingly:

(C) In addition to the methods described in subdivisions (3)(A) or (3)(B), the department may cause the filing or recordation of liens against all real or personal property of the obligor by placing such notice on a site accessible on the Internet. If the methods described in subdivisions (3)(A) or (3)(B) are used, and if the Internet process authorized pursuant to this subdivision is also made available, the dates shown on the department's computer record and displayed in the appropriate office of recordation as provided in subdivisions (3)(A) or (3)(B) and those displayed on the Internet site shall be the same.

(D) The date noted in the department's computer record and which is displayed in the appropriate office of recordation as provided in subdivisions (3)(A) or (3)(B), or which is displayed on the Internet site as provided in subdivision (3)(C), will serve for purposes of perfection as the recording or filing date of the lien. The recording or filing provided by this subdivision shall serve as notice to anyone who may be researching a title to real property or who may be seeking the status of any security interests or liens affecting any real or personal property held by an obligor and shall become the date of recordation of the notice of lien for all purposes of this part.

(E) If any of the systems or procedures described above in this subdivision is provided by the department, the automated lien shall be effective for all purposes to give notice to persons who may be affected by the existence of such lien in the same manner as the recordation of notice in

the lien book maintained by the register of deeds or in the records of any state or local agency maintaining such records.

Senate Amendment No. 5

AMEND House Bill No. 1810 by adding in Section 36-5-1107(c) of SECTION 1 of the amendatory language of Senate Judiciary Committee Amendment No. 1 the language "from the mailing date of such notice" immediately following the language "fifteen (15) days" and before the language "to file".

AND FURTHER AMEND by adding in Section 36-5-1107(d) of SECTION 1 of the amendatory language of Senate Judiciary Committee Amendment No. 1 the language "with the department" immediately after the word "filed" and before the punctuation and language ", the employer".

AND FURTHER AMEND by deleting Section 36-5-3006(a) of SECTION 5 of the amendatory language of Senate Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following:

(a) A party may contest the transfer of the case by filing a motion in the transferor court for that purpose within fifteen (15) days of the mailing date of the notice from the requesting party. Unless it is shown by the nonrequesting party that notice of the request for transfer was not received, failure to appeal the transfer request within the fifteen (15) day period waives an objection to the transfer request.

AND FURTHER AMEND by deleting the word "Confirmation" in Section 36-5-3108 of SECTION 6 of the amendatory language of Senate Judiciary Committee Amendment No. 1 and by substituting instead the following language: "Unless it is shown by the nonrequesting party that notice of the request for transfer was not received, confirmation".

Amendment No. 6

AMEND House Bill No. 1810 by deleting SECTIONS 57 through 81, and SECTIONS 94, 95 and 96 of the amendatory language of Senate Judiciary Committee Amendment No. 1 in their entireties.

Amendment No. 7

AMEND House Bill No. 1810 by deleting subdivision (8) of Section 10 of Senate Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following:

(8) A knowing violation of the provisions restricting the disclosure of information pursuant to this section shall be a Class B misdemeanor.

Rep. Stamps moved that the House concur in Senate Amendment(s) No(s). 3, 4, 5, 6 and 7 to **House Bill No. 1810**, which motion prevailed by the following vote:

Ayes..... 96
 Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2028 -- Tullahoma - Subject to local approval, increases power of board of mayor and aldermen. Amends Chapter 553 of the Acts of 1903; as amended. by *Lewis. (SB2031 by *Burks)

Senate Amendment No. 2

AMEND House Bill No. 2028 by deleting the amendatory paragraph in subdivision (3) of Section 1 and by substituting instead the following paragraph:

The term "telecommunications" or "telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such class of users as to be effectively available directly to the public regardless of the facilities used, including, but not limited to, voice, data, and video transmissions; load control; meter reading; appliance monitoring; power exchange, billing and financial services; or any other telecommunications service(s) that may be provided, as allowed by law, including servicing and repairing related equipment.

Senate Amendment No. 1 to Senate Amendment No. 2

AMEND by deleting from the amendatory paragraph in subdivision (3) of Section 1, the words "and financial services".

Rep. Lewis moved that the House concur in Senate Amendment(s) No(s). 2, as amended, to **House Bill No. 2028**, which motion prevailed by the following vote:

Ayes..... 96
 Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1140 -- Custody and Support - Establishes standard for court to use in determining right of parent with custody to move to another jurisdiction Amends TCA Title 36 and Title 37, by *Patton, *Hood, *Boyer, *Bowers, *Cole (Carter), *McMillan, *Givens, *Haley, *Hargett. (*SB1623 by *Harper, *Crowe, *Haynes, *Person)

Senate Amendment No. 4

AMEND House Bill No. 1140 by adding the following language to § 36-6-401(b) of SECTION 1 as new, appropriately numbered subdivision:

() Any one (1) or more divisions of the circuit and chancery courts in the Eleventh Judicial District consisting of Hamilton County, as designated by the presiding judge to the administrative office of the courts.

Senate Amendment No. 6

AMEND House Bill No. 1140 by adding to the end of the sentence in subdivision (b)(2) of Section 36-6-414 of the amendatory language of Section 1 the following words:

and such proceeds shall be used only for such cost

Rep. Patton moved that the House concur in Senate Amendment(s) No(s). 4 and 6 to **House Bill No. 1140**, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-

Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 899** -- Juvenile Offenders - Permits use of two or more juvenile dispositions if delinquent acts would have been felonies if committed by adult Amends TCA Title 37 and Title 40, Chapter 35. by *Fitzhugh. (SB1922 by *Springer)

Senate Amendment No. 2

AMEND House Bill No. 899 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-103, is amended by adding the following language as a new, appropriately designated subsection:

() Proceedings in which a parent or legal guardian is alleged to have violated parental responsibilities pursuant to Section 2 of this act.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) A person commits the offense of failing to supervise a child if that person is the parent or legal guardian of a child under sixteen (16) years of age and the child commits any delinquent or unruly act that brings the child within the jurisdiction of the juvenile court.

(b) In the prosecution of a person for the offense of failing to supervise a child, it is an affirmative defense that the person:

(1) Is the victim of the act that brings the child within the jurisdiction of the juvenile court; or

(2) Took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

(c) If the child is found to be unruly or delinquent and the juvenile court further finds that the parent or legal guardian violated Section 2(a) of this act, then the court may order the parent or legal guardian to do one or more of the following:

(1) Participate in the child's program of treatment and rehabilitation;

(2) Seek assistance from school officials, social service officials or other appropriate public or private resources and authorities to provide treatment and rehabilitation for the child; and/or

(3) Complete community service work individually or jointly with the child.

(d) If the parent or legal guardian violates or refuses to comply with the order of the juvenile court, then the parent or legal guardian may be held in contempt pursuant to Tennessee Code Annotated, Section 37-1-158; and the juvenile court may fine the parent or legal guardian up to fifty dollars (\$50.00), may incarcerate the parent or legal guardian in the county jail for up to ten (10) days or may impose both fine and incarceration.

(e) The provisions of this section shall not apply to the Tennessee department of children's services acting in its capacity as custodian or guardian of any child.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1997, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 2

AMEND House Bill No. 899 by deleting the amendatory language of Section 2 of AMENDMENT NO. 1 in its entirety and by substituting instead the following:

(a) If a child under sixteen (16) years of age commits a delinquent or unruly act that brings the child within the jurisdiction of the juvenile court and if the child's parent or legal guardian, (who is not the victim of the act that brings the child within the jurisdiction of the juvenile court), did not take reasonable steps to control such delinquent or unruly conduct, then the court may order the parent or legal guardian to do one (1) or more of the following:

(1) Participate in the child's program of treatment and rehabilitation;

(2) Seek assistance from school officials, social service officials or other appropriate public or private resources and authorities to provide treatment and rehabilitation for the child; and/or

(3) Complete community service work individually or jointly with the child.

(b) If the parent or legal guardian violates or refuses to comply with the order of the juvenile court, then the parent or legal guardian may be held in contempt pursuant to Tennessee Code Annotated, Section 37-1-158; and the juvenile court may fine the parent or legal guardian up to fifty dollars (\$50.00), may incarcerate the parent or legal guardian in the county jail for up to ten (10) days or may impose both fine and incarceration.

(c) The provisions of this section shall not apply to the Tennessee department of children's services acting in its capacity as custodian or guardian of any child.

Senate Amendment No. 2 to Senate Amendment No. 2

AMEND House Bill No. 899 by adding the following language to the end of Section 2(b), as amended:

However, prior to holding any such parent or guardian in contempt, the parent or legal guardian shall be served with notice and shall be given a reasonable opportunity to be heard by the court.

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 2, as amended, to **House Bill No. 899**, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2006 -- Kenton - Revives Kenton Special School District; provides for election, tax and bonds. Amends Chapter 84 of the Private Acts of 1947. by *Phelan. (SB2017 by *Carter)

Without objection, House Bill No. 2006 was moved to the heel of the Supplemental Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1636** -- Law Enforcement - Requires all law enforcement officers to take two sets of fingerprints of each person arrested by officer; permits comptroller to withhold certain payments made by state to county or municipality if such officer fails to comply with fingerprinting requirement Amends TCA Title 4; Title 8; Title 38 and Title 41. by *Buck, *Jackson, *Brooks, *Stamps, *Scroggs, *Newton, *Haley, *Hargett, *Pleasant, *Maddox, *Fitzhugh, *McDaniel. (SB1894 by *Person, *Kurita)

Senate Amendment No. 2

AMEND by adding the following at the end of the amendatory language of Section 8 of Senate Judiciary Committee Amendment No. 1:

Provided, however, if there is such an appropriation in the General Appropriation Act, then the handgun carry permit application fee shall not be increased.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1636**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2006 -- Kenton - Revives Kenton Special School District; provides for election, tax and bonds. Amends Chapter 84 of the Private Acts of 1947. by *Phelan. (SB2017 by *Carter)

Further consideration of House Bill No. 2006, previously considered on today's Supplemental Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 2006 by deleting all provisions of the bill following the first enacting clause and substituting the following:

SECTION 1. Chapter 84 of the Public Acts of 1947, is amended by adding the following at the end of Section 2:

Notwithstanding the provisions of the first paragraph of this section, the Board of Trustees shall be elected by the qualified voters in said District on the first Tuesday in August, 1997, for a term of one (1) year. Trustees shall again be elected by the qualified voters in the District on the date of the general election in August, 1998 for a term of two (2) years, and biennially thereafter for a term of two (2) years.

Rep. Phelan moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2006**, which motion prevailed by the following vote:

Ayes.....	90
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Goins -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 674 -- Courts, Circuit - Creates seven additional circuit courts; provides for election of judges (13th, 15th, 16th, 21st, 22nd, 25th) Amends TCA Section 16-2-506. by *Hargrove, *Buck, *Kisber, *Davis R, *Hood, *Eckles, *Sands, *Bone, *Curtiss, *Williams (Williamson), *Fowlkes, *White, *Windle, *Langster. (*SB820 by *Rochelle)

Further consideration of House Bill No. 674, previously considered on today's Supplemental Message Calendar.

Senate Amendment No. 2

AMEND House Bill No. 674 by deleting the date "September 1, 1998" in Section 4 of the printed bill and substituting the date "January 1, 1998".

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 674**, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Boner -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1464** -- Taxes, Sales - Increases from 30 to 35 years term for issuance of bonds for construction of sports facility eligible for special tax treatment. Amends TCA Title 7, Chapter 67 and Title 67, Chapter 6. by *Cohen, *Ford J. (HB1510 by *Miller L, *Kent, *Cooper B, *Scroggs, *DeBerry L, *Bowers, *DeBerry J, *Towns, *Hassell)

CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 1464

The House and Senate Conference Committee Appointed pursuant to motions to resolve the differences between the two bodies on House Bill No. 1510 (Senate Bill No. 1464) has met and recommends that the following amendment be deleted: Senate Amendment No. 2, (Document ID #005265).

The Committee further recommends that the following amendments be adopted: House Amendment No. 2, (Document ID #007860); and House Amendment No. 3, (Document ID #007859).

The Committee further recommends that the following amendment also be adopted:

by deleting the first sentence of the amendatory language of Section 1, as amended, which sentence reads as follows:

Any state sales taxes so apportioned shall be used by the local sports authority.

and by substituting instead the following sentence:

Notwithstanding any provision of this subsection or any other law to the contrary, any state sales tax so apportioned shall be distributed directly to the local sports authority, in lieu of distribution directly to the municipality, and shall be used by the local sports authority.

Senator Curtis S. Person
Senator John Ford
Senator Steve Cohen

Representative Joe Kent
Representative Larry Miller
Representative Katherine Bowers

Rep. Miller moved that the Report of the Conference Committee on Senate Bill No. 1464 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes..... 92
Noes 0
Present and not voting..... 4

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

Representatives present and not voting were: Beavers, Head, McDonald, McKee -- 4.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1055. The Senate refused to recede from its action in adopting Amendment(s) No(s). 14, 21, 3, 7, as amended, 10, 9, 8, 24 and 28.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1055 -- Firearms and Ammunition - Changes applicant background investigation from local law enforcement to department of safety; authorizes department to raise fee from \$100 to amount not to exceed \$200 to cover additional duties; requires department to notify sheriff of county where applicant resides of applicant's name and address. Amends TCA Title 39, Chapter 17. by *Buck, *Newton, *Stamps, *Godsey, *Mumpower, *Boner, *Beavers, *Fraleigh, *Ford S, *Sharp, *Boyer, *Cross, *Ferguson, *Whitson, *White, *Hargrove, *Givens, *Jackson, *Sands, *Cole (Dyer), *Phelan, *Maddox, *Bittle, *Garrett, *Dunn, *Burchett, *Roach, *McDaniel, *Sargent, *Fitzhugh. (*SB1170 by *Ramsey, *Henry, *McNally, *Miller J, *Williams)

Rep. Buck moved that the House refuse to recede from its action in non-concurring in Senate Amendment(s) No(s). 14, 21, 3, 7, as amended, 10, 9, 8, 24 and 28, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 1055**

Pursuant to **Rule No. 73**, Representative Buck moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1055, which motion prevailed.

The Speaker appointed Representatives Buck, Newton and Bittle as the House members of the Conference Committee on House Bill No. 1055.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 360, 361, 362 and 363; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 360 -- Memorials, Interns - Shonya D. McGee. by *Harper.

Senate Joint Resolution No. 361 -- Memorials, Sports - Alisha Lehmkuhl. by *Herron.

Senate Joint Resolution No. 362 -- Memorials, Sports - Marcus Williams. by *Herron.

Senate Joint Resolution No. 363 -- Memorials, Public Service - Jack W. Robinson, Sr. Recorder, Uniform Probate Code Study Committee. by *Kyle, *Henry, *Haynes, *Harper, *Rochelle.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for May 30, 1997:

House Resolution No. 128 -- Memorials, Sports - Goodpasture Men's Baseball Team. by *Stamps.

House Resolution No. 130 -- Memorials, Sports - Cocke County High School Baseball Team. by *Davidson.

House Joint Resolution No. 414 -- Memorials, Personal Achievement - Cherica Spencer, for beating the odds. by *DeBerry L.

House Joint Resolution No. 416 -- Memorials, Personal Achievement - Cherica Spencer. by *DeBerry J.

House Joint Resolution No. 419 -- Memorials, Recognition and Thanks - Tennessee Tourism Industry. by *McAfee, *Boner, *West, *Rinks, *McDaniel, *Whitson, *Westmoreland, *Kisber, *Head.

House Joint Resolution No. 420 -- Memorials, Public Service - Intermedia Partners, Beacon Awards from Cable Television Public Affairs Association. by *West.

House Joint Resolution No. 421 -- Memorials, Retirement - Brad Miller, Tennessee Road Builders Association. by *Robinson, *Fowlkes, *White.

House Joint Resolution No. 422 -- Memorials, Retirement - Judge Odell Horton, U.S. District Judge. by *Walley, *DeBerry L.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar No. 2 for May 30, 1997:

Senate Joint Resolution No. 360 -- Memorials, Interns - Shonya D. McGee. by *Harper.

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Senate Joint Resolution No. 361 -- Memorials, Sports - Alisha Lehmkuhl. by *Herron.

Senate Joint Resolution No. 362 -- Memorials, Sports - Marcus Williams. by *Herron.

Senate Joint Resolution No. 363 -- Memorials, Public Service - Jack W. Robinson, Sr. Recorder, Uniform Probate Code Study Committee. by *Kyle, *Henry, *Haynes, *Harper, *Rochelle.

SUPPLEMENTAL CONSENT CALENDAR NO. 2

House Resolution No. 128 -- Memorials, Sports - Goodpasture Men's Baseball Team. by *Stamps.

House Resolution No. 130 -- Memorials, Sports - Cocke County High School Baseball Team. by *Davidson.

House Joint Resolution No. 414 -- Memorials, Personal Achievement - Cherica Spencer, for beating the odds. by *DeBerry L.

House Joint Resolution No. 416 -- Memorials, Personal Achievement - Cherica Spencer. by *DeBerry J.

House Joint Resolution No. 419 -- Memorials, Recognition and Thanks - Tennessee Tourism Industry. by *McAfee, *Boner, *West, *Rinks, *McDaniel, *Whitson, *Westmoreland, *Kisber, *Head.

House Joint Resolution No. 420 -- Memorials, Public Service - Intermedia Partners, Beacon Awards from Cable Television Public Affairs Association. by *West.

House Joint Resolution No. 421 -- Memorials, Retirement - Brad Miller, Tennessee Road Builders Association. by *Robinson, *Fowlkes, *White.

House Joint Resolution No. 422 -- Memorials, Retirement - Judge Odell Horton, U.S. District Judge. by *Walley, *DeBerry L.

Senate Joint Resolution No. 360 -- Memorials, Interns - Shonya D. McGee. by *Harper.

Senate Joint Resolution No. 361 -- Memorials, Sports - Alisha Lehmkuhl. by *Herron.

Senate Joint Resolution No. 362 -- Memorials, Sports - Marcus Williams. by *Herron.

Senate Joint Resolution No. 363 -- Memorials, Public Service - Jack W. Robinson, Sr. Recorder, Uniform Probate Code Study Committee. by *Kyle, *Henry, *Haynes, *Harper, *Rochelle.

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Rep. Walley moved that all members of the Shelby Delegation voting aye on House Joint Resolution No. 422 be added as sponsors, which motion prevailed.

Rep. L. DeBerry moved that all members voting aye on House Joint Resolution No. 422 be added as sponsors, which motion prevailed.

Rep. Ridgeway moved that all members voting aye on House Joint Resolution No. 419 be added as sponsors, which motion prevailed.

Rep. Cole (Dyer) moved that all members voting aye on House Joint Resolution No. 421 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1505. The Senate lifted the tabling motion; reconsidered passage of the bill; adopted Amendment No. 1; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1505 -- Dentists - Prohibits individuals, schools or educational programs from offering certification in specialty or branch of dentistry not recognized by board of dentistry. Amends TCA Section 63-5-113. by *Odom. (*SB642 by *Person)

Senate Amendment No. 1

AMEND House Bill No. 1505 by adding the following additional sentence to the end of subsection (c):

Dental, Dental Hygiene and Dental Assisting Colleges, Schools or Programs in Tennessee accredited by the American Dental Association Commission of Dental Accreditation are exempt from this subsection.

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1505**, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Jackson moved to lift from the table the motion to reconsider its action on Senate Amendment No. 1 to House Bill No. 756, which motion prevailed.

House Bill No. 756 -- Sexual Offenses - Prohibits records of sexual offender who has completed pretrial diversion program from being expunged; prohibits information on sexual offender from being removed from Sex Offender Registry if offender's records are expunged following diversion program. Amends TCA Title 40, Chapter 32, Part 1; Title 40, Chapter 35, Part 3 and Title 40, Chapter 39. by *Jackson, *Pleasant, *Haley, *Hargett. (*SB1367 by *Rochelle)

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Rep. Jackson moved that the House reconsider its action in concurring in Amendment No. 1, which motion prevailed.

Rep. Jackson moved to withdraw the motion to concur in Senate Amendment No. 1, which motion prevailed.

Rep. Jackson moved that the House non-concur in Senate Amendment(s) No(s). 1 to House Bill No. 756, which motion prevailed.

MOTION TO RECESS

On motion of Representative Hargrove, the House recessed for 10 minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the House dispensed with the calling of the roll.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1810. The Senate lifted the tabling motion; reconsidered passage of the bill; withdrew Amendment No. 8; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1009 and 1822; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 32 and 1938; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

***Senate Bill No. 32** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates bearing logo of Emergency Medical Services. Amends TCA Title 55, Chapter 4. by *Koella, *Crowe, *McNally. (HB415)

Senate Bill No. 1938 -- Workers' Compensation - Reschedules from June 30, 1994 to June 30, 1996 balance reference date for equivalent amount of workers' compensation premium surcharge proceeds set aside for state Occupational Safety and Health Act administration payable to general fund. Amends TCA Section 50-6-401(d). by *Atchley, *McNally, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe.

**MESSAGE FROM THE SENATE
May 30, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 334 and 335; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 334** -- Highway Signs - Provides for erection of directional signs on I-40 indicating that I-840W is route to Murfreesboro. by *Womack.

***Senate Joint Resolution No. 335** -- Highway Signs - Provides for erection of directional signs on I-24 indicating that I-840E is route to Murfreesboro. by *Womack.

**MESSAGE FROM THE SENATE
May 30, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 25, 29, 48, 61, 152, 194, 199, 217, 242, 248, 281, 309, 406 and 407; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 30, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 171, 752, 1148, 1651 and 1738; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 171** -- Animals - Creates Class E felony offense of aggravated cruelty to animals. Amends TCA Section 39-14-202. by *Harper, *Cohen, *Fowler, *Cooper, *Person.

Senate Bill No. 752 -- Correctional Programs - Requires mandatory HIV testing for all inmates released from incarceration. Amends TCA Section 41-51-102. by *Cohen.

FRIDAY, MAY 30, 1997 -- FIFTIETH LEGISLATIVE DAY

Senate Bill No. 1148 -- Motor Vehicles, Titling and Registration - Authorizes special license plates for National Rifle Association. Amends TCA Title 55, Chapter 4. by *Haun, *Fowler, *Crowe, *Williams, *Miller J, *Ramsey.

***Senate Bill No. 1651** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for members of the clergy Amends TCA Title 55, Chapter 4. by *Williams, *Fowler, *Crowe.

Senate Bill No. 1738 -- Health - Establishes Area Health Education Center Program of Tennessee; appropriates \$1.5 million for 1997-1998. Amends TCA Title 68. by *Crutchfield, *Dixon, *Harper, *Ford J, *Crowe.

REPORT OF CHIEF ENROSSING CLERK

May 30, 1997

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 25, 29, 48, 61, 152, 194, 199, 217, 242, 248, 281, 309, 406 and 407.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 30, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 52, 408, 409 and 410.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 30, 1997

410 The Speaker signed the following: House Joint Resolution(s) No(s). 52, 408, 409 and

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 349; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 349** -- Highway Signs - "Guy E. Bates, Sr. Highway," segment of S.R. 65 (Whites Creek Pike), Davidson County. by *Haynes, *Henry, *Harper.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 6, 391, 412 and 1147; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 6** -- Motor Vehicles, Titling and Registration - Authorizes issuance of Radnor Lake special license plates; earmarks funds derived from sale of such plates to state lands acquisition fund. Amends TCA Title 55, Chapter 4. by *Henry.

***Senate Bill No. 391** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special plates for supporters of Shriners Orthopedic Hospitals and Burn Institutes; earmarks proceeds from sale of such plates, minus costs of producing plates, to defray expenses of medical care at such facilities. Amends TCA Title 55, Chapter 4, Part 2. by *Fowler, *Crowe.

Senate Bill No. 412 -- Motor Vehicles, Titling and Registration - Authorizes issuance of "HISTORICALLY BLACK COLLEGES" cultural license plates; distributes funds to historically black colleges after sale of plates in excess of 250. Amends TCA Title 55, Chapter 4, Part 3. by *Dixon, *Harper.

***Senate Bill No. 1147** -- Motor Vehicles, Titling and Registration - Provides for issuance of fish and wildlife species license plates to support state wildlife resources fund. Amends TCA Title 55, Chapter 4. by *Haun, *Crowe.

ENGROSSED BILLS

May 30, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 411, 412, 413 and 415.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1786. The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1; then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1017. The Senate lifted the tabling motion; reconsidered action in passing the bill; adopted Amendment No. 3; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2021; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 209; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1714. The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 114, 1404, 1606, 1718 and 1733; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1055. The Senate acceded to the request of the House and appointed a Conference Committee composed of Senators Ramsey, Miller and Cohen to meet with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1055.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 30, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 414, 416, 419, 420, 421 and 422.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SPONSORS REMOVED

On motion, Rep(s). Hargrove was/were removed as sponsor(s) of House Bill No. 1042.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:30 a.m., Saturday, May 31, 1997.